Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARINGS-- July 17 and Aug. 14, 1968

Appeal No. 9695 Nathan Landow et ux, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on August 14, 1968.

ORDERED:

That the appeal for variance from the use provisions of the R-5-A District to permit office at 2801 New Mexico Avenue, NW., 10t 803, square 1805, be denied.

FINDINGS OF FACT:

[1] The subject property is located in an R-5-A District.

[2] The property is improved with a large building known as the Colonnade Apartments.

[3] There is an existing administrative office located on the first floor off the lobby.

[4] It is requested that an occupancy permit be issued for the office. The office has two employees and operates during the hours 10:00 a.m. to 6:00 p.m. weekly.

[5] There is no signs or markings to indicate the location of the office.

[6] The attorney representing the owner and the tenant stated that he had no knowledge as to how the space was designed to be used according to the original plans of the building. It is believed that the space was for offices for the building but such office is now located in another part of the building.

[7] No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that this appeal must be denied. There is no justification for an office use of this type.at this location except the desire of the tenant and the owner. Section 3105 of the regulations provides for appropriate adjuncts to residential uses in the R-5 Districts. This is not that type of use. This office use is the ordinary commercial use that should be located in the commercial zoning districts. A variance from the use can only be granted under the most limited circumstances. The Zoning Commission in the regulations has determined the uses that should be located within the zoning district. Any other uses were left out by design. We must assume that the compatible uses have been included in the regulations and that those not included are imcompatible. We must abide by the purpose and intent of the Zoning Commission as embodied in the Zoning Regulations and map. Therefore the appeal is denied.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: James E. Bess
JAMES E. BESS
Secretary of the Board