e. The existing nonresidential uses are not in compliance with the zoning regulations and should not be rewarded for a history of illegal occupancy of the building.

f. The building was constructed for residential purposes and should remain so because there is an abundance of vacant commercial space in the immediate area.

g. Unit owners with office use have the unfair advantage of paying residential rates for commercial use of the space.

h. Based on the listing provided in the lobby of the building a number of nonresidential users are not seeking special exception relief and the total of such uses appears to exceed 20 percent of the units.

i. If office use is allowed, it should be limited to the first and second floors only.

35. The Dupont Circle Citizens Association opposed the applications based on the number of existing illegal uses and the lack of a cap on nonresidential usage in the building.

36. At the public hearing of July 18, 1990, the applicants' representative testified with respect to the use of three first floor units for the office of an architect/interior designer. In addition to a general description of the property and its zoning history, the applicants' representative testified as follows:

a. The architect/interior design office use was established in the subject building in 1977 and was expanded to include two additional units in 1979.

b. There is no record of a Certificate of Occupancy for the use of those units although the applicant thought that one had been issued while the building was leased for rental only and that the subject offices were "grandfathered" in when the zoning was changed.

c. Approval would result in office use of 27 units in the building.

d. The first floor is the preferred location for nonresidential uses.

e. The Board of Directors of the Condominium Association was of the opinion that the regulations of nonresidential uses in the building would be within the authority of the BZA and that the Board of Directors is limited to requiring such uses to obtain a Certificate of Occupancy.

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requiring such uses to obtain a Certificate of Occupancy.

f. The square footage of the subject units is approximately 1,500 square feet. The applicants' representative was not aware of the square footage of the entire structure or of the total square footage of all the units seeking special exception relief.

37. At the conclusion of the applicants' presentation at the public hearing of July 18, 1990, the Chairperson ruled that the case be continued to allow for the resolution of questions regarding the technical aspects of the cases.

38. At the public hearing of February 10, 1993, counsel for the majority of the individual unit owners/representatives incorporated the records in the previous public hearings by reference.

39. The applicants representative/unit owner of #711 testified, as follows:

a. The approximate square footage of unit #711 is 925 square feet and has been occupied by one psychiatrist and one psychologist since October 1987.

b. The psychologist attracts five to six clients per day and has Saturday hours. The psychiatrist attracts up to 15 clients per day.

c. Approximately 90 percent of the clients of the office take metrobus or walk to the site. The unit owners own one surface parking space but do not make it available for client use.

d. The advisory board has received two complaints regarding clients waiting in hallways. Both complaints involve the same unit and the advisory board has not been successful in resolving the issue prior to the February 19, 1993 public hearing. The applicants' representative noted that most offices provided a waiting area within the unit.

40. The applicants' representative, President of the Board of Directors of the Condominium Association, testified that roughly 20 percent of the square footage of the building is devoted to non-residential use. In addition, the number of units on the first floor is 16 and on the second floor is 17 for a total of 33 units. Based on the current location throughout the building of the units seeking special exception relief, limiting nonresidential uses to the first and second floors would only cover approximately half of the individual units seeking approval at this time.

41. The applicants' representative further testified that the majority of the applicants do not live in the subject building; that no visitor parking is allowed in the building; that the occupancy limits for nonresidential use would be the same as for residential (two persons for an efficiency, three persons for a one-bedroom unit, and four persons for a two-bedroom unit). The applicants' representative indicated that the condominium association is considering guidelines requiring a sign on unit doors directing patients to wait in the lobby if the office is locked.

42. The applicants' representative, unit owner of #109 and #509, testified that these units attract from five to seven clients per day. The applicants' representative testified that he was unaware of whether commercial or residential real estate taxes were charged for the subject units but noted that the "homestead exemption" does not apply. The applicants' representative further testified that he was unaware of any problems created by the mix of uses within the building.

43. The applicants' representative, former president of the Board of Directors, testified that the condominium association has had no means of controlling nonresidential uses within the building and that it needs the BZA to imposed a cap which can then be enforced by the condominium association by developing fines for too many people per unit or operating without a certificate of occupancy. The applicants' representative testified that it has only disallowed business uses within the building in isolated cases based on problems with heavy equipment or the reconfiguration of the units. The applicants' representative testified that there may be other nonresidential uses in the building which are not part of the subject case.

44. The applicants' representative, unit owner of Nos. 101, 102 and 106, testified that the permitted nonresidential floor area ratio of the subject premises is 62,379.63 square feet. The occupancy survey submitted by him on April 28, 1992 estimated a total nonresidential floor area of 20,984.05 square feet. The Zoning Administrator's computations contained in the memorandum dated June 16, 1992 indicates a total nonresidential floor area ratio of 27,224.58 square feet. The applicants' representative noted that the difference is the floor area ratio computations was a result of the ZA's including a percentage of the common areas into the total figure based on the applicants' occupancy survey. The applicants' representative further reiterated the Board of Directors' concern with imposing a limit on nonresidential occupancy without a directive from the BZA.

45. The occupancy survey received on April 28, 1992, provides the following information:

a. Four units, Nos. 103, 107, 115 and 116, totalling 1,944.74 square feet have certificates of occupancy.

b. Six units, Nos. 101, 102, 106, 108, 111 and 113, have occupied the premises since the 1970s and are currently seeking approval.

c. Thirty additional units are currently occupied for nonresidential purposes and are seeking approval.

d. The number of units used for nonresidential uses totals 40 and represents approximately 23 percent of the total number of units.

46. The occupancy survey also contains a copy of the plat and plans for the subject property prepared on November 8, 1979.

47. The applicants' submitted a transportation assessment, dated July 12, 1990. The transportation assessment supplements the earlier submission, dated November 2, 1989 and was based on a questionnaire/survey of seven additional proposed office users which indicated the following characteristics:

a. The average length of use as professional office space by present owners is approximately 4 1/2 years. Six of the owners have uses their units as professional offices between 5 1/2 and 13 years.

b. Most of the medical practices are conducted during the business day with some usage during evening hours and weekends.

c. The average client load is just over eight per day or approximately one client per hour. The number of clients ranged from two per day to 20 per day. For 19 offices approximately 19 trips per hour would be generated in a combination of auto, walk, metrorail and metrobus trips.

d. All types of transportation modes are used by clients (i.e. metrorail, metrobus, walk, automobile). All questionnaire respondents suggest that metrorail is the best way to get to the Lauren.

e. Eight of the office owners park in the Lauren parking garage.

The conclusions reached in the July 12, 1990 transportation assessment are the same as those cited in the November 2, 1989 assessment.

48. The Office of Planning (OP), by memorandum dated October 14, 1992, recommended denial of the applications. The OP was of the opinion that the applicants had not met the requisite burden of proof. The OP was of the opinion that such a large-scale accelerated conversion of dwelling units to offices in the same building would adversely affect the balance between office and residential uses in the area, and in general, would not be in harmony with the existing residential use of the building, and could destabilize the predominant use of the building for residential purposes. The OP was further of the opinion that the scattering of offices throughout the building would impinge upon the privacy and quality of life of the residents, would create additional security, safety and sanitation problems due to employee and client traffic, and, would tend to exacerbate traffic and parking conditions in an already heavily congested area.

49. The D.C. Department of Housing and Community Development (DHCD), by memorandum dated October 13, 1992, was of the opinion that the number of proposed conversions (21 percent of the total number of units) is too high for a residential building and would generate unncessary security problems, conflict of uses, and a potential future request for additional conversions. However, the DHCD indicated that it would be more inclined to support the request if the conversions were concentrated on the first and second floors of the building.

50. By letter dated October 6, 1992, the Metropolitan Police Department (MPD) indicated that, based on its review, the proposal will not affect the public safety in the area nor generate an increase in the level of police services provided. Accordingly, the MPD did not oppose the applications.

51. By memorandum dated October 13, 1992, the D.C. Fire Chief, based on its review to determine the impact of the proposal on emergency operations, offered no objection to the applications.

52. The D.C. Department of Public Works (DPW), by memorandum dated October 21, 1992, opposed the granting of the applications. The DPW analysis was based on consideration of 20 office suites with at least one doctor and two staff persons drawing an average of eight visitors per day. With regard to parking needs for visitors, based on 50 percent of the visitors using metrorail and metrobus, DPW indicated that approximately 16 parking spaces would be needed to meet the daily demand. In addition, another 30 spaces would be needed for doctors and staff. DPW's survey of the adjacent streets, during daytime hours revealed most of the curb parking spaces in the vicinity of the site were filled. Therefore, a deficiency in off-street parking spaces for the medical offices would cause an exacerbation of the problem already existing. Furthermore, DPW indicated that there will be competition with the residents and businesses of the area for scarce on-street parking

spaces which will result in substantial cruising in the neighborhood. This condition will create adverse traffic impact and safety problems in the area.

53. Advisory Neighborhood Commission (ANC) 2B, by letters dated October 13, 1992 and February 8, 1993, supported the granting of the application subject to the condition that the Board ban nonresidential uses from the third to tenth floors of the building. The ANC was of the opinion that the ANC and BZA have an obligation to maintain the residential character of the subject building and the area in general; that the restriction of nonresidential uses to the first and second floors is consistent with the original public offering statement for the condominium; and, any further increase in nonresidential usage would have a significant impact on parking and noise in the subject neighborhood.

54. The Dupont Circle Citizens Association (DCCA), by letter dated April 13, 1993, opposed the granting of the applications. The DCCA was of the opinion that the building should remain exclusively residential to help preserve the residential character of the Dupont Circle area. However, if that is not possible, the DCCA would support the recommendation of ANC-2B for a strict limitation on nonresidential use in the subject building.

55. The record contains a letter in support of the applications from a unit owner. The support is based on the unit owner's belief that the proposed use would enhance the areas' reputation as a concentration of business and professional consulting services and that the location is appropriate for such use because of its proximity to important political and economic centers. The letter notes that the author wishes to establish a financial consulting service in his unit upon his return to the United States.

56. The record contains numerous letters and petitions in opposition to the application and several parties testified in opposition to the case at the public hearing of May 5, 1993. The opposition is generally summarized as follows:

a. A majority of the Board of Directors of the Lauren Condominium Association which authorized the filing of the subject applications have a personal financial interest in the case and did not recuse themselves from determining the Board's position.

b. The numerous applications before the Board should be considered on a case-by-case basis so that the conditions relative to the individual operation can be more closely scrutinized with respect to number of units; hours of operation; facilities available to clients; etc.

c. The existing office uses are in violation of the condiminium association bylaws and the Zoning Regulations. The fact that some of the existing illegal uses have operated at the subject premises for a long period of time does not warrant special consideration.

d. The building was constructed for residential purposes and should remain so in keeping with the provisions of the SP-2 District.

e. The proposed uses would disrupt the peace, good order and safety necessary to foster residential use in the building, as follows:

1. Use of common areas such as the lobby and hallways as waiting rooms for visitors to the office uses impinges on the residential unit owners' freedom to enjoy those amenities.

2. The proposed offices would attract a large number of transient visitors to the building and create a substantial increase in pedestrian traffic and noise in the building.

3. The patients of the proposed mental health professionals do not identify thenmselves to the receptionist in the lobby before traveling to the office use. Some of those visitors could be potentially dangerous to themselves or others.

4. The proposed use would threaten the value of the residential units in the building because those units owners would not be able to obtain the financial benefits currently sought by these applications and the desirability of the residential units would be adversely impacted by the change in character and conditions in the building.

5. Permitting conversion of residential space to office use would upset the balance between office and residential uses in the area.

6. The use of 35 units in the building for office purposes is excessive and does not include other units currently illegally used for nonresidential purposes.

7. Not all of the proposed office uses qualify to operate in the SP District as offices for a non-profit doctor, lawyer or similar professional

person in that some of the uses proposed include a consulting firm, social workers, and a hypnotist.

8. Some of the existing office uses abuse the occupancy units by "hot bedding" the use of the space when a unit owner is renting to several different users who then occupy the same unit at different times of day from early morning to late at night.

9. The large number of nonresidential occupants of the building and the resultant attraction of numerous clients greatly exacerbates the existing traffic congestion in the area and adversely impacts the availability of parking in the immediate area.

FINDINGS OF FACT:

Prior to addressing the special exception criteria and the merits of the case, the Board makes the following findings:

1. With respect to determining what constitutes the property before the Board, the Board finds that the Zoning Regulations define "lot", as follows:

> "the land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia."

Based on this definition, the Board finds that the land in Lot 83 in Square 115 and the improvements thereon constitute the property upon which all zoning calculations are properly based and which must be considered by the Board in applying the criteria set forth in Section 508. The individual lot numbers cited by some of the applicants do not represent a "lot" as defined by the Zoning Regulations.

2. With respect to the appearance of an authorized agent, the Board finds that Section 3303.1 allows such appearance on behalf of any person or party provided such agent or representative is duly authorized in writing and further that such authorization includes that power of the agent or representative to bind the person in the case before the Board. Section 3316.2 provides that the owner of property for which application is made may file an application before the Board. Section 3316.3 provides that an authorized agent may file on behalf of the owner with a letter signed by the owner authorizing the agent to act on his behalf.

Section 3316.3 further provides that the Board may at any time require additional evidence demonstrating the authority of the agent to act for the owner.

The Board finds that the individual unit owners seeking relief before it do not represent the ownership of Lot 83 or have the authority, singly or as a group, to exercise control over the common elements of the subject property. Accordingly, the Board finds that the "owner" of the property for which application is made is the joint and common ownership of Lot 83 under the condominium regime as represented in this case by the Board of Directors of the Condominium Association.

3. The Board finds that it is necessary to ensure that the representatives in the subject cases are duly authorized to represent and bind the owner because the Board has the option to impose conditions on its approval as set forth in Section 508.5 and 3108.1 which may impact the common elements of the building. In addition, access and services to the individual units are included in the common areas, and parking spaces must be provided for the proposed office uses out of the total parking spaces provided on the lot.

4. The Board finds that it acted appropriately in seeking additional evidence of the authorization of the owner's representatives. Section 3316.3 provides that the Board may seek additional evidence of such authority at any time. In the instant case, the issue of authorization relates to the processing of special exception relief for numerous individual unit owners within a single structure on a single lot. Although the issue may have arisen at different times during the varied proceedings in these cases, if such authorization was determined to be insufficient in any of the individual cases, such deficiency would affect all cases, whether they had been previously considered by the Board or not. Counsel for the majority of the applicants was aware that the cases were not separable in terms of presenting evidence with respect to the special exception criteria set forth in the Zoning Regulations as evidenced by his motion to include additional units at the public hearing of December 13, 1989 and by the fact that the record in previously heard cases were incorporated by reference at each subsequent public hearing.

5. The Board finds that although it had voted to grant several of the subject cases, no written order had been issued and served on parties as required by Section 3331.6 and, therefore, no final decision of the Board had issued. Accordingly, the Board finds that it was not inappropriate on its own motion to reopen the record in the cases as provided by Section 3330.2.

6. The Board finds that legal advice from the Office of the Corporation Counsel (OCC) may be requested and received at anytime

as set forth in Section 3309.1. The Board further finds that the presiding officer at a public hearing has the authority, among other things, to dispose of procedural requests or similar matters, including motions to amend and to order hearings reopened; to rule upon motions to consolidate applications or appeals for hearing; and to call, qualify, and examine witnesses and to introduce into the record documentary or other evidence.

7. The Board finds that the request for additional information from the applicants' representative and for staff to seek the advice of the OCC was made by the presiding officer during the course of the public hearing of July 18, 1990. The Board further finds that, although counsel for the majority of the unit owners was not present at that hearing, counsel was aware that the Board requested resolution of certain technical aspects of all the cases at the public hearing of July 18, 1990 as evidenced by his efforts to enter such information into the record in his letter dated August 22, 1990 and through his participation in subsequent public hearings.

8. The Board finds that, although the proceedings in the applications were scheduled on varying dates, the issues involved related to one structure located on one lot, under the same ownership, seeking identical relief. In addition, the records in the previously heard cases was incorporated by reference into subsequent hearings. Accordingly, the Board finds that issues raised during any proceeding in any of the subject cases would have a direct bearing on any or all of the other applications.

9. The Board finds that, although the recordation of votes by Board members in various proceedings may not have been definitively expressed in the minutes of the public meeting of November 7, 1990, the action ultimately taken by the Board to reopen the record in all the cases which had been heard by the Board was supported by a majority of the Board members who either participated in the original public hearing of December 13, 1989 or in subsequent public hearings in which the record in the December 13, 1989 proceeding was incorporated by reference. In any event, as of the public hearing of February 10, 1993, each Board member who heard and participated in the case was provided with a copy of the record and transcript of all the cases previously heard by the Board. In addition, Board members acting on the post-hearing motion at the public hearing of September 7, 1994 were also provided with a copy of the record and transcript of all proceedings.

With respect to the merits of the case, the Board makes the following findings:

1. The Board finds that the applicants have not met the requisite burden of proof in terms of whether the proposed use is

in harmony with existing uses and structures on neighboring property, whether the proposed use will create dangerous or other objectionable conditions; and, whether the proposed use tends to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

2. The Board finds that at the time of its construction in 1973 the Zoning Regulations did permit the conversion of existing structures to SP office uses. However, in the case of new construction, the establishment of SP office uses required special exception relief. Accordingly, the Board finds that regardless of the length of time any of the existing uses have operated in the subject building, they were never legally established and, therefore, cannot be construed to be "grandfathered" upheld the previous SP District regulations. The Board finds that the only existing legitimate use of the structure would be for residential purposes and other uses permitted as a matter of right under the SP zoning such as the existing ticket office.

3. The Board finds that the applicants have not provided adequate detail with respect to the existing gross floor area in the entire building as well as the gross floor area for both professional office use and medical office use. Substantial detail with respect to the square footage is critical in determining the appropriate filing fees, the floor area ratio, and parking requirements. The Board finds that the record substantiates the fact that the proposed office uses will not exceed the permitted 3.5 floor area ratio for nonresidential uses in the SP-2 District and that adequate parking spaces are located on-site to provide for the number of residential units and the proposed office space if limited to professional office use. However, the parking requirement for medical office use would be twice the number of spaces required for professional office use if the space devoted to that use is 25 percent or more of the entire structure. The Board finds that the record is unclear as to the amount of square footage devoted to medical offices as opposed to other professional use, as well as the gross floor area of the entire structure. The applicants' representation that the total use is approximately 21 percent of the total number of units does not clarify what the percentage would be in terms of the gross floor area of the building, nor are the varying types of uses defined in terms of gross floor area. The Board further notes the discrepancy in the figures regarding the square footage of the proposed use provided by the applicants and by the Zoning Administrator.

4. The Board finds that the impacts of the proposed use on neighboring property in terms of traffic must be judged in terms of the total proposed office use. The Board finds that the applicants' evidence with respect to hours of operation and the vehicular and pedestrian traffic generated relates to the information supplied by certain unit owners regarding their specific operations

but does not take into account the potential impacts of the total usage for office purposes. In order to adequately address the impacts of the proposed use, the Board needs to be able to make a finding with respect to the maximum potential impacts the total use could generate, if approved.

5. The Board is required by statute to give great weight to the issues and concerns of the ANC. In addressing the ANC's concerns, as well as those expressed by the other opposition, the Board finds as follows:

a. With respect to the proposed 20 percent cap on nonresidential uses, the applicants have offered no conclusive evidence that the square footage of the structure proposed for office use is less than 20 percent of the total area of the building. In addition, the applicants' have indicated that the total number of units seeking special exception relief constitutes approximately 21 percent of the total number of units in the building.

b. With respect to limiting nonresidential use to the first and second floors of the building, the applicants have not offered such a limitation for consideration. The opposition has raised concerns with respect to the adverse impacts created by visitors in common areas throughout the building. The Board finds that based on the information before it, it is unable to determine whether such area restriction would mitigate the adverse impacts associated with the use as currently proposed and configured.

c. It is beyond the jurisdiction of the BZA to determine whether the Board of Directors of the Condominium Association acted appropriately in its actions leading to the authorization for filing of the applications or whether the existing office uses are in violation of the condominiums bylaws and regulations.

d. The Board does not agree that the applications should be considered on a case-by-case basis but believes that its review should be based on the total use and its inherent potential impacts. The Board agrees with the opposition that it must closely scrutinize the proposed uses with respect to the number of professionals and employees; the hours of operation; facilities available to clients; use of common areas; noise generated by the use; security; etc.

e. The Board finds that the concerns of the opposition and the OP with respect to the "balance" between residential and nonresidential uses in the Dupont Circle area is not a proper issue before the Board. The Zoning Regulations specify that nonresidential uses may be located in the SP District and limits those uses in terms of floor area ratio, parking and other restrictions. If the proposed usage does not exceed the permitted area and bulk limitations of the Zoning Regulations, the Board's consideration is limited to whether it meets the criteria specified in Section 508.

f. The Board finds merit in the opposition's contention that some of the proposed nonresidential uses do not qualify under the provisions of the SP District in that they may not qualify as "similar professional person." based on the criteria established by the Zoning Administrator and upheld by the Court of Appeals. The Board notes that the Zoning Administrator would be responsible for making such a determination during the processing of the individual applications for certificates of occupancy.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record and the foregoing Findings of Fact, the Board concludes that the applicants are seeking special exception relief necessary to establish SP office uses within an existing apartment building. In order to be granted such special exception relief, the applicants must demonstrate through substantial evidence that the proposal complies with the provisions set forth in Section 508 of the Zoning Regulations and, further, that the granting of the requested relief will be in harmony with the intent, purpose and integrity of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicants have failed to meet the requisite burden of proof. The Board concludes that the height, bulk, and design of the structure is in harmony with structures on neighboring property and will not be altered to accommodate the proposed office uses. However, the Board is not persuaded by the evidence presented on behalf of the applicants that the proposed use will be in harmony with existing residential uses within the subject building and other neighboring properties, nor has the applicant provided evidence of efforts to mitigate the adverse impacts expressed by the opposition.

The Board concludes that, while the site is well served by public transportation, the opposition has established that the area

is currently affected by a scarcity of on-street parking and traffic congestion. The Board concludes that it is unable to determine the impacts of the proposal in terms of traffic congestion and parking based on the level of detail of the evidence presented by the applicant.

The Board further concludes that, based on the evidence before it, it is unable to determine whether the special exception is in harmony with the intent and purpose of the Zoning Regulations and Map or whether it will tend to adversely affect the use of neighboring property. Accordingly, it is **ORDERED** that the applications are hereby **DENIED** (without prejudice to refile at any time).

VOTE: 5-0 (Sheri M. Pruitt, Paula L. Jewell and Angel F. Clarens to deny; Carrie L. Thornhill and William L. Ensign to deny by proxy).

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

ATTESTED BY: Madeliene H. Robinson
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JAN 20 1995

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Lauren/SS/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15030-46

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 20 1995 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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BZA
CASE NO. 15030-46
EXHIBIT NO. 43

Estate of John Gullett
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Mr. Dennis Bass, Chairperson
Advisory Neighborhood Commission 2B
1347 Connecticut Avenue, N.W., #2
Washington, D.C. 20036

MADELIENE H. ROBINSON
Director

DATE: JAN 20 1995