LAW OFFICES

GREENSTEIN DELORME & LUCHS, P.C.

WILLIAM H. HARRIS, JR.
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RICHARD W. LUCHS
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JEFFREY H. GELMAN
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STEPHEN H. ABRAHAM
LEWIS F. MORSE
JOHN PATRICK BROWN, JR.
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DONALD F. HOLMES, JR.
MIRIAM HELLEN JONES
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*ADMITTED IN VA ONLY

1620 L STREET, N.W., SUITE 900

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TELEPHONE (202) 452-1400
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OF COUNSEL
MARK J. ZWEIFLER
61 WEST 62ND STREET
7TH FLOOR - SUITE E
NEW YORK, NEW YORK 10023
(212) 664-1099
FACSIMILE (212) 586-1535

September 26, 2000

BY MESSENGER

Ms. Sherri Pruitt
Office of Zoning
Suite 210
441 Fourth Street, N.W.
Washington, D.C. 20001

00 SEP 26 P3:11
DISTRICT OF COLUMBIA
OFFICE OF ZONING

Re: BZA Application Number 16608; Steven and Mary Ellen Cymrot; 417 East Capitol Street, S.E.

Dear Ms. Pruitt:

Enclosed herewith are one original and eight (8) copies of the Applicant's Pre-Hearing Statement. Attached to the Pre-Hearing Statement are Exhibits "A" through "E."

Copies of the enclosures are being hand-delivered this date to the Office of Planning and the Capitol Hill Restoration Society and mailed this date to ANC 6-B.

Please call me with any questions you may have. Thank you.

Sincerely,

Jacques B. DePuy

JBD/dmh:144241
Enclosures

cc: Office of Planning (Attn: Jennifer Steingasser)
Capitol Hill Restoration Society
ANC 6-B
Mr. and Mrs. Steven Cymrot
(All copies w/encls.)

BZA
Case No. 16608
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16608
EXHIBIT NO.22

PRE-HEARING STATEMENT IN SUPPORT OF APPLICATION FOR A USE VARIANCE TO ALLOW A USED BOOK STORE (BASEMENT AND FIRST FLOOR ONLY) AT 417 EAST CAPITOL STREET, S.E. IN A CAP/R-4 DISTRICT

THIS PRE-HEARING STATEMENT is submitted on behalf of Steven and Mary Ellen Cymrot ("Applicants") by their attorneys, Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy, Esquire, in support of an application for a use variance pursuant to Section 3107.2 of the Zoning Regulations to allow a used book store in the basement and first floor of 417 East Capitol Street, S.E. ("Property").

The Property is located in the Capitol Hill Historic District and is zoned CAP/R-4.

The south side of the 400 block of East Capitol Street, S.E. has traditionally been a commercial block, occupied by offices, retail establishments and service facilities, notwithstanding its residential zoning. (See Exhibit "A".) In fact, this block is an anomaly on Capitol Hill, there being no similar block located in the midst of residential uses and zoning on Capitol Hill with such an overwhelming preponderance of commercial uses.

The block is developed with 2-story and 3-story brick and frame buildings containing a variety of commercial uses located at street (i.e., grade) level. (See Exhibits "B" and "C".) Immediately to the east of the Property at 419 East Capitol Street is the office of Congressional House Associates and other business entities. [This property is also owned by the Applicants.] The Congress Market, a grocery store, is located two (2) doors away, at the southwest corner of East Capitol Street and Fifth Street, S.E. To the west of the Property is the Society of Women Geographers gallery (415 East Capitol Street, S.E.), the office of the Irish National Caucus (413 East Capitol Street, S.E.), the Capitol Hill Chiropractic Clinic (411 East Capitol Street, S.E.) and the Capitol Hill Valet (409 East Capitol Street, S.E.), a dry cleaning establishment. The office of Afton Associates is located at 403 East Capitol Street, S.E. Only one structure on the south side of the 400 block of East Capitol Street, S.E., at 405 East Capitol Street, will be used exclusively for single-family residential purposes; this structure is currently under construction.

The first floor and basement of the Property have been used for commercial businesses since the building's construction in 1898. From 1953 to approximately 1974, the first floor and basement were used as a laundry. Between 1975 and 1977, the first floor and basement were used for retail purposes as an art and antique store. (See Exhibit "D".) The first floor of the Property has been used since 1977 as a medical office for a pediatrician. [See discussion below regarding the approval by the Board of Zoning Adjustment in Application No. 12356 of the medical office at the subject Property as "general office."] The second floor of the Property contains a two (2) bedroom apartment.

By this Application, the Applicant is seeking a use variance to allow a change in use of the first floor and basement of the Property from a doctor's office to a used book store. Unfortunately, the subject Application cannot be processed as a special exception (i.e., a change in nonconforming use) because the current occupant failed to obtain a certificate of occupancy for medical offices, notwithstanding BZA approval of such use. [See discussion below.]

The Applicant proposes to employ no more than one (1) employee (in addition to Mr. Cymrot, one of the Applicants, who will also work in the used book store). Normal operating hours will be Monday through Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 12:00 p.m. to 6:00 p.m.

The proposed use of the Property as a used book store is a low-intensity use. It is expected that the majority of customers will walk from the surrounding neighborhood. For those few customers who drive to the site, two-hour parking is available on East Capitol Street. Additionally, the subject Property is readily accessible to public transportation. The Capitol South, Eastern Market and Union Station Metro stations are all located within approximately six (6) blocks. In addition, there is a metro bus stop at East Capitol and 4th Street, S.E.

There are three (3) pre-requisites to a grant of a use variance: (a) an extraordinary or exceptional situation or condition of a specific piece of property; (b) undue hardship;

and (c) no harm to the public or to the zone plan. See Monaco v. BZA, 407 A. 2d 1091, 1096 (D.C. 1980); National Black Child Development Institute v. BZA, 483 A. 2d 687, 690 (D.C. 1984).

The subject Application meets the required tests. First, the lot (Lot 13) and the building are substandard in size. The lot is only 1,069 square feet in area. (See Exhibit "E".) This is only 59% of the required minimum lot size in the R-4 district of 1,800 square feet. The building is approximately 17.25 feet wide by 48 feet in length, contains a "dogleg" in the rear and contains approximately 1450 square feet (above grade). Therefore, the building is substantially smaller than similar structures in Square 817 and in surrounding squares. (See Exhibit "E".) Second, because the building was constructed for commercial purposes, the ground floor is characterized by a large glass storefront window. This is an integral feature of the design of the building and, given the building's significance within the Capitol Hill Historic District, cannot be altered. This feature is appropriate for commercial uses but inappropriate for residential uses. Third, the first floor of the building is at grade, which is characteristic of commercial structures located in the Capitol Hill Historic District but not typical of structures in the Historic District constructed for residential uses. Such an element provides good visibility for, and ready access by, commercial patrons but would not provide sufficient privacy and security for residential use.

The requested use variance can be granted without adversely affecting the surrounding community for the following reasons:

1. Many years of a predominance of commercial uses in the south side of the 400 block of East Capitol Street, S.E. have had no substantial adverse impacts on surrounding properties.

2. For at least fifty (50) years and most likely since 1898, the first-floor and basement of the subject Property have been used for non-residential uses, including laundry, retail and doctor's office, and such uses have not adversely affected the surrounding community.

3. The traffic generated by the requested use will have no adverse impact on the surrounding community.

The Board of Zoning Adjustment, in approving the current use of the subject Property for medical office use in Application No. 12356, stated that "the subject property is one in a row of commercially used structures in the R-4 District." (See Exhibit "F".) In approving the conversion of use from art and antique display and retail sales to "general office", the Board stated: "the Board concludes that the commercial nature of the adjoining properties as well as the very limited size of the proposed operation make it unlikely that the proposed use would create any adverse affect on surrounding or nearby property." (Id.)

For the foregoing reasons, and on the basis of the evidence submitted with the application, it is respectfully submitted that the subject Application satisfies the legal requirements applicable to the requested relief and that it therefore be granted.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
Jacques B. DePuy

143980

EXHIBITS

A. List of commercial certificates of occupancy in the 400 block of East Capital Street

B. List of uses in the 400 block of East Capitol Street

C. Photographs of the Property

D. Certificate of Occupancy records of the subject Property

E. Plat of properties in Square 817

F. Order in BZA Application No. 12356



EXHIBIT "A"

EAST CAPITOL C St. S. E. Sq. 817

CERTIFICATE OF OCCUPANCY

Floor	House No.	Type of Business	Permit
	415		NC-3
	417	Hand Laundry	NC-736
	409	Grocery	NC-808
	413	Dry Goods	NC-841
	411	Barber Shop	NC-943
★	403	Tailor Shop	NC-987
★	403	Grocery & Delicatessen	NC-104
	419	Tailor Shop	NC-105
	401		1137
	421	Grocery	6950
	411	Barber Shop	7346
	415	Buffet Lunch	7375
	409	Grocery	7591
	417	Hand Laundry	7941
	413	Retail Shoes	11795
	409	Hand Launry	13646
	401	Retail Grocery	13886
	409	Bakery	14003
	413	Clean, press. rep.	14649
	411	Auto & Radio Supplies	14678
	409	Dry Goods & Notions	16176
	415	Oyster Cafe	18530
	411	Bakery & Delicatessen	18712
	401	Meat & Grocery	21633

(OVER)

EXHIBIT "A"

EAST CAPITOL St. S.E. Sq. 81

CERTIFICATE OF OCCUPANCY

Floor	House No.	Type of Business	Permit
..	411	Bakery, Delicatessen	22010
.	411	Laundry	22155
	413		23559
	409	Cigars, News., Books	23598
	415	Tailor	26008
	413	Laundry rec. office	26368
	413	Laundry rec. office	26458
	409	Patent Medicines	26684
	421	Grocery	26779
	409	Drygoods	30598
A	403	Tailor	33171
	411	Bakery	33744
A	403	Dress Shop	34551
	411	Bakery	34598
	409	Grocery	36357
	409	Hardware	36868
	415	Lunchroom	37438
	411	Dry Goods	38157
	411	Bakery	42053
A	403	Grocery & Delicatessen	42873
	421	Grocery	43055
	409	Barber Shop	43843
	411	Variety Store	45799
	411	Delicatessen	49285

P-3800

(SEE NEXT CARD)

EXHIBIT "A"

EAST CAPITOL St. S. E. Sq. 81

CERTIFICATE OF OCCUPANCY

Floor	House No.	Type of Business	Permit
	405 411	Apartment Delicatessen	0-10 5202
A	403 407	Beverages Apartment RAZED K-212	5231 10
	409	Barber Shop	5401
A	403	Elec. Appl.	5552
A 1st.	403	Laundry office	5580
	411	Delicatessen	5828
	411	Delicatessen	5994
	415	Furniture Store	6004
	401	Cleaning agency	6020
	415	Barber Shop	6148
A 1st.	403	Watch repair	6459
	409	Cleaning & Laundry ag.	6522
	401	Grocer	6739
	421	Grocery	6725
	409	Cleaning agency	6861
	413	Cleaning agency	7009
	417	Hand Laundry	7017
	401	Grocery	7191
	413	Cleaning & laundry ag.	7316
	417	Hand Laundry	7376
	413	Dry Clean. & Laun. ag.	7988
	415	Barber Shop	8497
	415	Barber Shop	8609
	413	Apartment	8912

(OVER)



EXHIBIT "B"

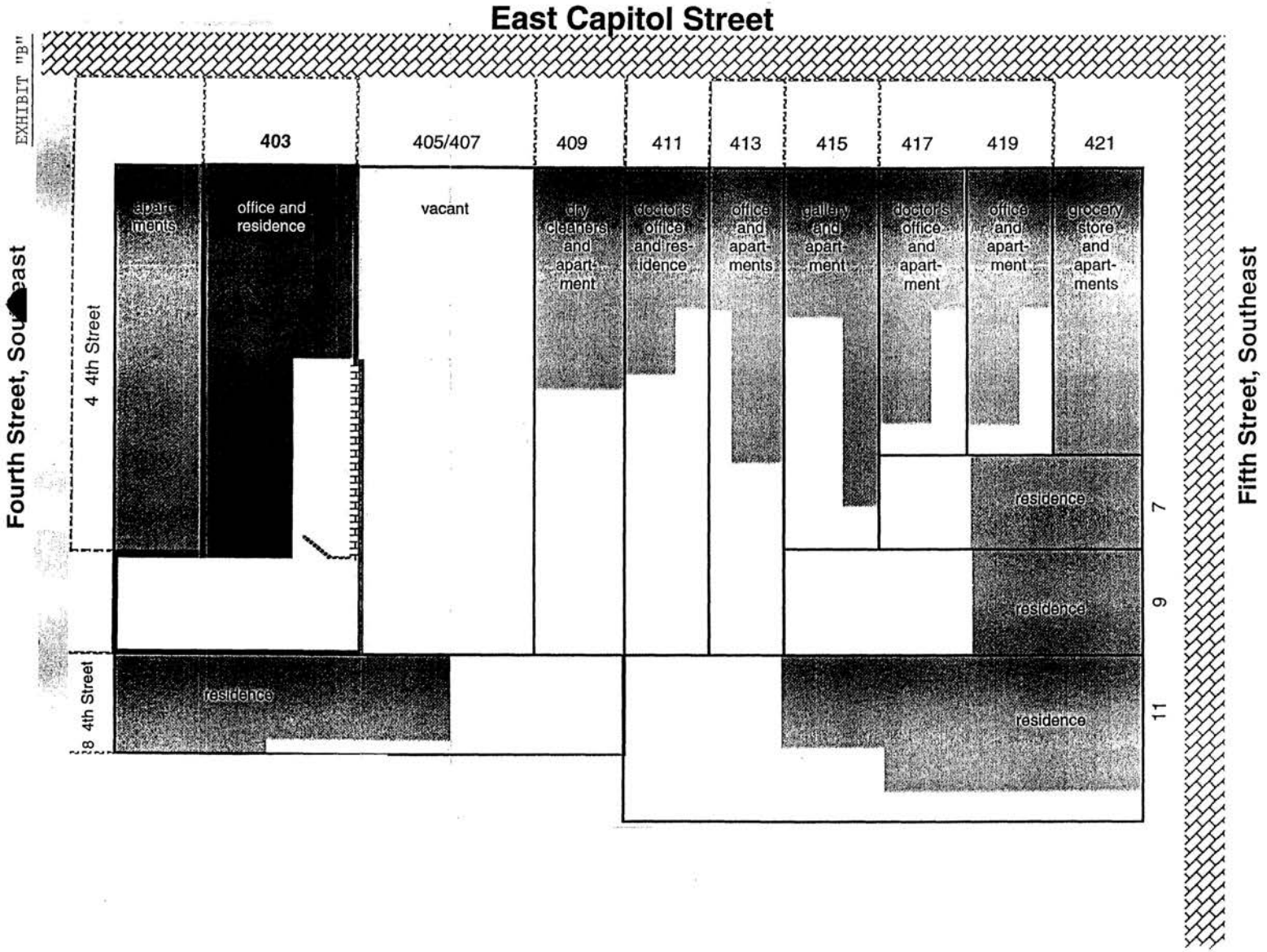

East Capitol Street
Fourth Street, Southeast
Fifth Street, Southeast
403
405/407
409
411
413
415
417
419
421
4 4th Street
8 4th Street
apart-ments
office and residence
vacant
dry cleaners and apart-ment
doctor's office and res-idence
office and apart-ments
gallery and apart-ment
doctor's office and apart-ment
office and apart-ment
grocery store and apart-ments
residence
residence
residence
residence
7
9
11



EXHIBIT "C"



421 - 415 East Capital Street, S.E.
(looking S.W.)



421 - 417 East Capital Street, S.E.
(looking South)

EXHIBIT "C"



419 and 417 East Capital Street, S.E.



415 - 409 East Capital Street, S.E.



411 - 407 East Capital Street, S.E.



407- 403 East Capital Street, S.E.



EXHIBIT "D"

Form 801 – CPB **CERTIFICATE OF OCCUPANCY** No. A 24194

Washington, D.C., December 8, 19 [illegible]

Permission is hereby granted to Victor Kal

to use the 1st & Base. floor(s) of the building located on Lot 18 Square 617

known as premises 417 East Capitol St. for the following

purpose(s): Steam Laundry GF-5-415 BZA-5624

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES.

"This Certificate of Occupancy need not be renewed unless there is a change in (1) the type of business, (2) address of business, (3) ownership of business, or (4) part of the building used for the business BUT, should there be any change in one or more of the foregoing items a NEW Certificate of Occupancy must be obtained."

ZONE Res. G0-C FEE $ 4.00

Superintendent of Buildings

EXHIBIT B

EXHIBIT "D"

notified 12/3/53 B-7921

Form 101-A CPB
Revised 7-1-53

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ENGINEER DEPARTMENT
CENTRAL PERMIT BUREAU

APPLICATION FOR CERTIFICATE OF OCCUPANCY—COMMERCIAL
(WRITE WITH TYPEWRITER OR INK)

Do NOT use this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

Permit No. 41492 Issued 12/11/53

Date November 25, 1953

TO THE DIRECTOR OF INSPECTION:

The applicant(s) request the issuance of a Certificate of Occupancy for the use of the premises described below, and agree to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business (See instruction on reverse side) (PRINT) Victor (FIRST) ----- (MIDDLE) Kai (LAST)

Trade Name of Business (See instruction on reverse side) (PRINT) Kai's Laundry (This *trade name* must be identical with that shown in application for business license)

Description of Premises for which Certificate is Requested

Address 417 East Capitol Street (of building to be occupied) Lot 13 Square 817

Name and address of agent of building John F. Donohoe & Sons, 314 Pennsylvania Ave. S. E.

To the best of your knowledge is the building now being condemned? No

Material of building Brick No. of Stories High 2 Basement? Yes

Proposed use Steam laundry

Which Floor(s) will be occupied for above use First floor and basement

Previous use Steam laundry

If previous use was residential, how many living unit are being abandoned? ---

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION
PENALTIES ARE PROVIDED FOR MISREPRENTATION

To Be Filled in by Clerk

Use District C-2
Height District 40
Area District C
Transcript of No.
E. D. No. C.E. 5-415
B. Z. A. No. 3664-11-11-53
Bldg. Permit No.
Previous use Steam laundry 1st flr.
No. 17234
Name of Clerk

IF OWNER OF BUSINESS SIGNS:

Signature of Owner (in ink) Victor Kai
Victor Kai

Home Address 1505 Ft. Dupont St. S. E. Tel. No. LU 1-7137

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:

Name of Agent
Address of Agent Tel. No.
Name of Owner(s) of Business (as shown above)
Signature of Agent (in ink)

APPROVED:

RESERVED FOR APPROVALS NON-CONFORMING

P.S. H F Simon Date 12-3-53

APPROVED FOR ISSUANCE OF PERMIT

Smith

EXHIBIT "D"

Form LI-P-601

CERTIFICATE OF OCCUPANCY

No. B 50473

Washington, D.C., FEB. 23 19 65

Permission is hereby granted to EUGENE ENG

to use the 1ST & BASEMENT floor(s) of the building located on Lot 13 Square 817

known as premises 417 EAST CAPITOL STREET, S. E. for the following

purpose(s): LAUNDRY STEAM

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF LICENSES & INSPECTIONS, GOVT. OF DIST. OF COL.

ZONE R-4 FEE $ 12.00

Chief, Permit Branch

By Roland McClure
Permit Clerk

SEE IMPORTANT NOTICE ON REVERSE SIDE HEREOF

OFFICE COPY

EXHIBIT "D"

Form LI-B-011-A
Formerly LIH-A-CPB
Rev. 2-15-57

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF LICENSES AND INSPECTIONS
LICENSE AND PERMIT DIVISION
PERMIT BRANCH

Received FEB 23 1965 PERMIT BRANCH

APPLICATION FOR CERTIFICATE OF OCCUPANCY—COMMERCIAL
(WRITE WITH TYPEWRITER OR INK)

Do NOT use this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

Date Feb 23, 1965

TO THE DIRECTOR OF INSPECTION:

The applicant(s) request the issuance of a Certificate of Occupancy for the use of the premises described below, and agree to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business (See instruction on reverse side) Eugene C. Eng (PRINT) (FIRST) (MIDDLE) (LAST)

Trade Name of Business (See instruction on reverse side) KAI'S - Laundry (PRINT) (This *trade* name must be identical with that shown in application for business license)

Description of Premises for which Certificate is Requested

Address 417 East Capitol St (of building to be occupied) Lot 13 Square 817

Name and address of owner of building Mae Bayne Estate c/o John F. Donohue & Sons, Inc 314 Pa. SE

To the best of your knowledge is the building now being condemned? No

Material of building Brick No. of Stories High 2 Basement? Yes

Proposed use Power Laundry STEAM

Which Floor(s) will be occupied for above use Basement & 1st Floor

Previous use As Above

If previous use was residential, how many living unit are being abandoned? _____

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION PENALTIES ARE PROVIDED FOR MISREPRESENTATION.

To Be Filled in by Clerk

Use District R-4
~~Height District~~ E-23-65
Area District C-2-A
Transcript of No. _____
E. D. No. _____
B. Z. A. No. _____
Bldg. Permit No. _____
Previous use Steam Laundry
GF-5-45 BZA-3684
1st + Last No. A-24194
Name of Clerk dot

IF OWNER OF BUSINESS SIGNS:
Signature of Owner (in ink) Eugene Eng
Home Address 417 E. Cap. St. Tel. No. 547-3986

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:
NOTICE
Name of Agent [illegible]
Address of Agent [illegible] Tel. No. [illegible]
Name of Owner(s) of Business [illegible] (as shown above)
Signature of Agent (in ink) [illegible]

APPROVED:

F.S. _____ Date _____
Bldg. _____ Date _____
Plbg. _____ Date _____
Elec. _____ Date _____

RESERVED FOR APPROVALS

APPROVED FOR ISSUANCE OF PERMIT
W. A. Benson Date FEB 23 1965
(Bldg. Approval Clerk)

Permit No. B-55473 Issued 2-23-65

NO HOLD NOTICE AGAINST PROPERTY

SECRETARY — TREASURER — PRESIDENT — VICE PRESIDENT

NOTICE TO PROSPECTIVE PURCHASER:
Your application will not be approved and Certificate issued until all inspections have been made and inspection agent has certified compliance WITH REQUIREMENTS OF BUILDING REGULATIONS

FEB 23 1965

EXHIBIT "D"

Form ED-P-401 **CERTIFICATE OF OCCUPANCY** No. B 91243

Washington, D.C., JANUARY 22, 19 75

Permission is hereby granted to JOANNA GORDON

to use the BASEMENT FIRST floor(s) of the building located on Lot 13 Square 817

known as premises 417 EAST CAPITOL ST. S.E. for the following

purpose(s): ART AND ANTIQUE DISPLAY AND SALES (RETAIL)

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEPT. OF ECONOMIC DEVELOPMENT, GOV'T. OF DIST. OF COL.

ZONE R-4

FEE $ 16.00

Chief, Permit Branch

By VERONICA STUBBS
Permit Clerk

OFFICE COPY

EXHIBIT C

EXHIBIT "D"

FD P-101A
Rev. 6/2/64

OCT 29 1974

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF ECONOMIC DEVELOPMENT
BUREAU OF LICENSES AND INSPECTIONS
LICENSE AND PERMIT DIVISION
PERMIT BRANCH

APPROVED
E. R. SMITH
ENVIRONMENTAL SERVICES

AGAINST PROVISIONS
NO HEAD HEIGHT
O. K.
M. A. T.

APPLICATION FOR CERTIFICATE OF OCCUPANCY—COMMERCIAL

(WRITE WITH TYPEWRITER OR INK)

Do NOT use this form if Certificate is to be issued for Hotel, Flat or Apartment, Rooming, Boarding or Tenement House, Day Nursery, Private Club, Convalescent Home, or Other Residential Use.

Date JUNE 19, 1974

TO THE DIRECTOR OF INSPECTION:

The applicant(s) request the issuance of a Certificate of Occupancy for the use of the premises described below, and agree to comply with all applicable laws and regulations of the District of Columbia, and any terms and conditions appearing on BOTH sides of this application and on any Certificate of Occupancy issued on the basis of this application.

Full Name of Owner(s) of Business (See instruction on reverse side) (PRINT) JOANNA GORDON (FIRST) (MIDDLE) (LAST)

Trade Name of Business (See instruction on reverse side) (PRINT) SCENE (This *trade name* must be identical with that shown in application for business license)

Description of Premises for which Certificate is Requested

Address 417 - EAST CAPITOL ST SE (of building to be occupied) Lot 13 Square 817

Name and address of owner of building CYMCO CORPORATION 410 A ST SE

To the best of your knowledge is the building now being condemned? NO

Material of building BRICK No. of Stories High 2 Basement yes

Proposed use ART AND ANTIQUE DISPLAY & SALES (Retail)

Which Floor(s) will be occupied for above use ~~BSMT~~ FIRST FLOOR & BSMT

Previous use Steam laundry

If previous use was residential, how many living unit are being abandoned? 0

READ INSTRUCTIONS AND INFORMATION ON REVERSE SIDE OF THIS APPLICATION
PENALTIES ARE PROVIDED FOR MISREPRESENTATION.

To Be Filled in by Clerk

Use District H-1
Height District 60-12-74
Area District 5-A
Transcript of No.
E. D. No.
B. Z. A. No. 11671-B
Bldg. Permit No.
Previous use STEAM LAUNDRY LAST USED 7-23-65 No. B-52473
Name of Clerk

IF OWNER OF BUSINESS SIGNS:
Signature of Owner (in ink)
Home Address Tel. No.

IF AUTHORIZED AGENT FOR OWNER OF BUSINESS SIGNS:
Name of Agent STEVEN L. CYMROT
Address of Agent 410 A ST. SE Tel. No. 547-9288
Name of Owner(s) of Business Joanna Gordon (or firm name)
Signature of Agent (in ink) Steven L. Cymrot

CORNER LOT SETBACK

APPROVED:

RESERVED FOR APPROVALS F/E OK AE

F.S. Date
Bldg. S.B. ALSTON Date 12-27-74
Plbg. H.J. STAMAHA Date 12-30-74
Elec. W.G. WHITE Date 12-31-74

APPROVED FOR ISSUANCE OF PERMIT
(Bldg. Approval Clerk) Date 1-16-75

P-1101

Permit No. B-912443 Issued 1-22-75 10-29-74 to 10-31-75

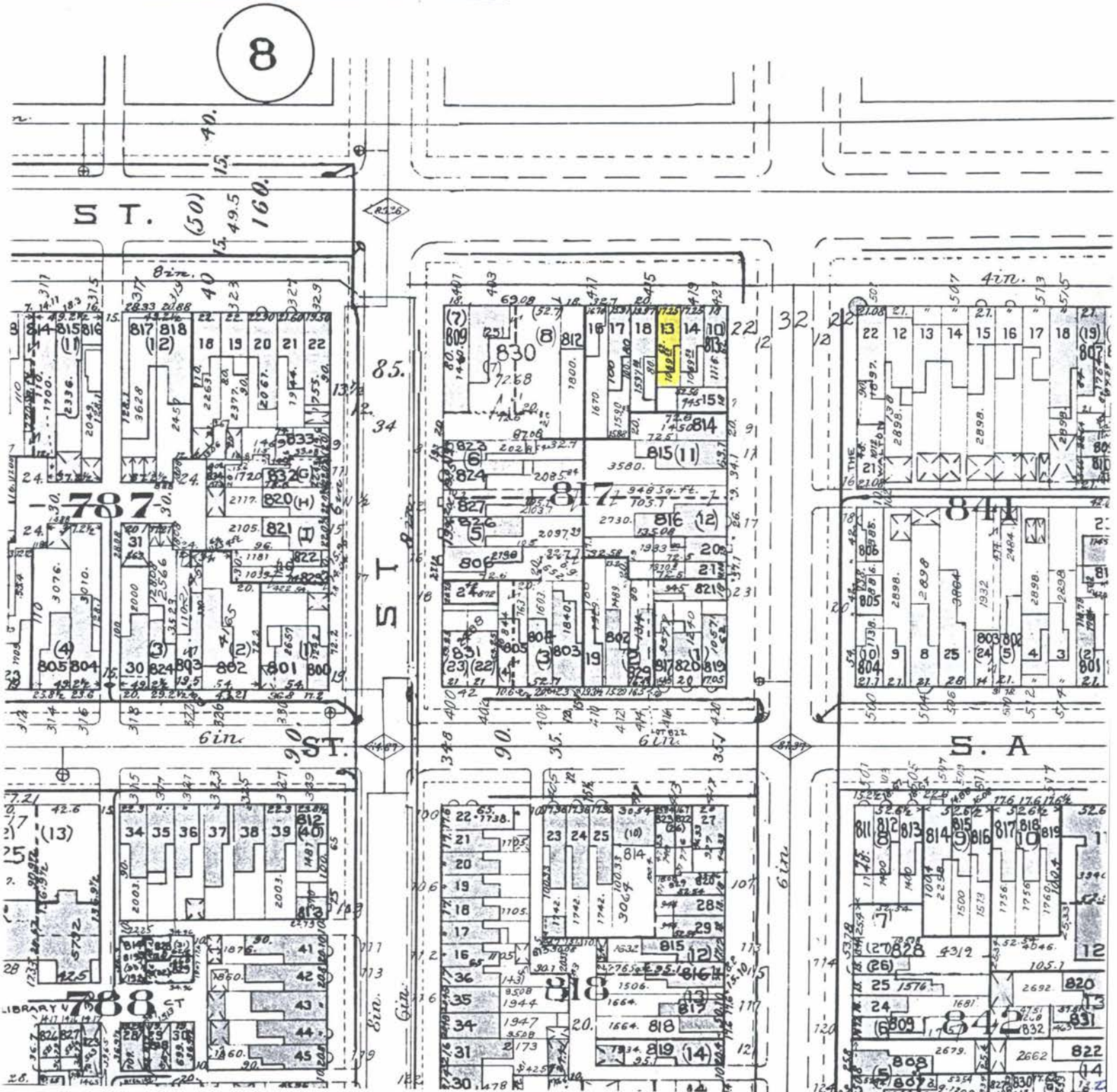
PRESIDENT VICE-PRESIDENT SECRETARY TREASURER

NOTICE TO PROSPECTIVE PURCHASER:
Your application will not be approved if Certificate issued until all inspections have been made and inspection approved and Certificate of Occupancy issued.



EXHIBIT "E"

PLAN



F

EXHIBIT "F"

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12356 of Cymco Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from art and antique display and retail sales to general office in the R-4 District at the premises 417 East Capitol Street, S. E. (Square 817, Lot 13).

HEARING DATE: May 24, 1977
DECISION DATE: May 24, 1977 (from the Bench)

FINDINGS OF FACT:

1. The subject property is improved with a two story brick structure. It is located on the south side of East Capitol Street between 4th and 5th Streets, S.E.

2. The subject property is one in a row of commercially used structures in the R-4 District. On adjacent properties there are offices, an antique shop, a parking lot, a neighborhood store and a physicians office.

3. The applicant proposes to use the first floor as the office for a physician. The second floor would continue to be used as an apartment.

4. The last recorded certificate of occupancy (No. B-911243) was issued on January 22, 1975 for art and antique display and sales (retail). This is a use first permitted in a C-2 District.

5. The proposed use is first permitted in an SP District in an existing building.

6. The doctor proposes to have one assistant, will occupy the basement and first floor of the building with a combined area of 1,500 square feet and will have office hours from 9 o'clock a.m. to 4 o'clock p.m. The basement will be used for storage only.

7. The Municipal Planning Office by report dated June 20, 1977 and by testimony presented at the hearing, recommended approval of the application stating in part that "it does not appear that approval of the subject application will adversely affect the present character and future development of the neighborhood."

8. Advisory Neighborhood Commission 6B, by letter dated May 23, 1977 recommended approval of the application stating that the proposed change "will have a positive beneficial effect on the neighborhood."

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed change can be granted, because the proposed use is first permitted in a more restrictive district than the existing use. The Board concludes that the proposed change is a move more in conformity with the Zoning Regulations. The Board concludes that the commercial nature of the adjoining properties as well as the very limited size of the proposed operation make it unlikely that the proposed use would create any adverse affect on surrounding or nearby property. It is therefore ORDERED that the application be GRANTED.

VOTE:

4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Leonard L. McCants, Esq. to grant)

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 16 AUG 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.