STATEMENT OF REASONS IN SUPPORT OF APPLICATION FOR A USE VARIANCE TO ALLOW RETAIL USE IN AN CAP/R-4 DISTRICT

THIS STATEMENT OF REASONS is submitted on behalf of Steven and Mary Ellen Cymrot (the "Applicant") by their attorneys, Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy, Esquire and Jeannine Rustad, Esquire, in support of an application for a use variance pursuant to Section 3107.2 of the Zoning Regulations to allow retail use in an CAP/R-4 district at Lot 13 in Square 817, which has a premise address of 417 East Capitol Street, S.E. (the "Property").

The Property is located in the Capitol Hill Historic District near the southwest corner of the intersection of East Capitol and Fifth Streets, S.E.

The 400 block of East Capitol Street, S.E. has traditionally been a commercial block, occupied by offices, service facilities and food service facilities. (See Exhibit A, list of historic uses along East Capitol Street.) The block is developed with 2- and 3- story brick and frame buildings containing a variety of commercial uses on the lower level(s) with apartments above. For example, immediately to the west of the Property at 419 East Capitol Street is the office of the Congressional House Associates (the Applicant's office). The Congress Market, a grocery store, is located at the southwest corner of East Capitol Street and Fifth Street, S.E. At the southeast corner of Fifth and East Capitol Streets, S.E. is a restaurant. Immediately to

JUN 22 '00 AM 10:05
GREENSTEIN DELORME & LUCHS, P.C.

LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.
1620 L STREET, N. W.
SUITE 900
WASHINGTON, D.C. 20036-5605
AREA CODE 202-452-1400

BZA
Case No. 16608
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO.16608
EXHIBIT NO.3

the east of the Property at 415 East Capitol Street, S.E. is the Society of Women Geographers gallery, followed by 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 Capitol Hill Valet (409 East Capitol Street, S.E.), a dry cleaners' shop. 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., 405 East Capitol Street, for which construction began in 1999, will be used exclusively for single-family residential purposes.

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. (See Exhibit B, Certificates of Occupancy Nos. A24194 and B50473 dated December 8, 1953, and February 23, 1965, respectively, with applications.) Between 1975 and 1977, the first floor and basement were used for retail purposes as an art and antique store. (See Exhibit C, Certificate of Occupancy No. B91243 dated January 22, 1975, with application.) The first floor of the Property has been used as a medical office for a pediatrician since 1977. The second floor of the Property contains a two (2) bedroom apartment, which is currently occupied by a residential tenant.

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 retail use as a used book store. The Applicant proposes to employ no more than one employee (in addition to Mr. Cymrot working in the store). The proposed hours of operation would 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.

Given the nature of the proposed low-intensity use as a used book store, it is expected that the majority of the customers would walk from the surrounding neighborhoods. For those few customers who would drive to the store, there is two-hour parking on the street. Additionally, the 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 and there is a metro bus stop at East Capitol and 4th Street, S.E.

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

1. Existing commercial use in the 400 block of East Capitol Street, S.E. has had no substantial adverse impact on surrounding properties.
2. Since at least 1953, the first-floor and basement of the Property have been used for non-residential uses (i.e. 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 a negligible or no impact on the surrounding community.

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

By: _____
Jeannine Rustad

137391

EXHIBIT A

EAST CAPITOL C St. S. E. Sq. 81

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-84
	411	Barber Shop	NC-94
	403	Tailor Shop	NC-98
	403	Grocery & Delicatessen	NC-10
	419	Tailor Shop	NC-10
	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)

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
	403	Tailor	33171
	411	Bakery	33744
	403	Dress Shop	34551
	411	Bakery	34598
	409	Grocery	36357
	409	Hardware	36868
	415	Lanchroom	37438
	411	Dry Goods	38157
	411	Bakery	42053
	403	Grocery & Delicatessen	42873
	421	Grocery	43055
	409	Barber Shop	43843
	411	Variety Store	45799
	411	Delicatessen	49285

P-2000

(SEE NEXT CARD)

EAST CAPITOL St. S. E. Sq. 81

CERTIFICATE OF OCCUPANCY

Floor	House No.	Type of Business	Permit
	405 411	Apartment Delicatessen	0-107 52020
	403 407	Beverages Apartment RAZED K-772	52315 0-107
	409	Barber Shop	54017
	403	Elec. Appl.	55520
	403	Laundry office	55801
	411	Delicatessen	58284
	411	Delicatessen	59940
	415	Furniture Store	60040
	401	Cleaning agency	60207
	415	Barber Shop	61484
	403	Watch repair	64593
	409	Cleaning & Laundry ag.	65225
	401	Grocer	67390
	421	Grocery	67259
	409	Cleaning agency	68611
	413	Cleaning agency	70095
	417	Hand Laundry	70177
	401	Grocery	71918
	413	Cleaning & laundry ag.	73166
	417	Hand Laundry	73766
	413	Dry Clean. & Laun. ag.	79880
	415	Barber Shop	84970
	415	Barber Shop	86097
	413	Apartment	89121

(OVER)

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

Washington, D.C., December 8, 19 55

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-5-115 BZA-3624**

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 Permits, D.C.

EXHIBIT B

notified 12/3/53 B. 7951

Form 101-A CPA
Revised 7-1-51

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. 11 24 95 Issued 12/3/53

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) Victor (PRINT) ----- (FIRST) Ka (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 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 Com
Height District 130
Area District C
Transcript of No.
E. D. No. C.F. 5-416
B. Z. A. No. 3684-11-53
Bldg. Permit No.
Previous use Steam laundry 1st flr
No. 97234
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

* E.S. H F Simon Date 12-3-53 APPROVED FOR ISSUANCE OF PERMIT

* [illegible] Date

Form 11-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

Form LI-B-511-A
Formerly 401-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 Eugene Eng
(See instruction on reverse side) (PRINT) (FIRST) (MIDDLE) (LAST)

Trade Name of Business KAI'S - Laundry
(See instruction on reverse side) (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 Lot 13 Square 817
(of building to be occupied) → John F Donohoe Sons, Inc

Name and address of owner of building Mae Bayne Estate c/o 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 2-23-65
Area District
Transcript of No. _____
E. D. No. _____
B. Z. A. No. _____
Bldg. Permit No. _____
Previous use Steam Laundry
GFS-45 BZA-3684
Lot & Sq. No. A-24194
Name of Clerk

IF OWNER OF BUSINESS SIGNS:
Signature of Owner (in ink) Eugene Eng
Home Address 417 E. Cap. St. Tel. No. 543-986

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:

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

RESERVED FOR APPROVALS

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

Permit No. B-55473 2-23-65
Issued FEB 23 1965

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 agency have certified compliance with requirements of applicable regulations.

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

Washington, D.C., JANUARY 22, 1975

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.

OFFICE COPY

ZONE R-4

FEE $ 16.00

Chief, Permit Branch

By VERONICA STUBBS

Permit Clerk

EXHIBIT C

EDP-101A
Rev 6/2/69

OCT 28 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 PROPERTY
NO HOLD NOTICE
A. T. A. - O. K.
W. 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 (FIRST) GORDON (MIDDLE) (LAST)

Trade Name of Business (See instruction on reverse side) (PRINT) SAME (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 R-4
Height District G-12-74
Area District 5TH
Transcript of No.
E. D. No.
B. Z. A. No. 11621-B
Bldg. Permit No.
Previous use STEAM LAUNDRY
2-23-65 No. B-5044-73
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. 547-8200
Name of Owner(s) of Business Joanna Gordon
Signature of Agent (in ink) Steven L. Cymrot

SIGN HERE

APPROVED:

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

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

P-4100

NOTICE TO PROSPECTIVE PURCHASER:
Your application will not be approved for a Certificate issued until all inspections have been made and inspection agencies have certified compliance.

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

PRESIDENT
VICE-PRESIDENT
SECRETARY
TREASURER