GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16619 of Romano Romani and Thomas D. Parry, pursuant to 11 DCMR §§ 3103.2 and 330.5, for a variance from the use provisions to allow the premises to be used as general office space (a lobbyist group) in an R-4 District at premises 233 Constitution Avenue, N.E. (Square 758, Lot 39).

HEARING DATES: November 8, 2000; February 13, 2001; May 15, 2001
DECISION DATE: May 15, 2001

DISMISSAL ORDER

REVIEW BY ZONING ADMINISTRATOR

This application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

This Application was brought by Romano Romani and Thomas D. Parry (collectively, the Applicant), the owners of the subject property and partners in a lobbying firm whose offices are located on the property. A hearing was originally scheduled for November 8, 2000 but the Board granted the Applicant's request for a continuance and the hearing was rescheduled for February 13, 2001. On January 29, 2001, the Capitol Hill Restoration Society requested party status to oppose the application.

The Applicant made another request for a continuance at the February 13 hearing due to the death of Thomas D. Parry, one of the partners of the lobbying firm. This request was granted and the hearing was again rescheduled, for May 15, 2001. A third request for a continuance was made at the May 15 hearing due to the fact that the property in question was involved in a complicated estate proceeding following the death of Mr. Parry. The Applicant requested postponement of the hearing until September 2001 pending the completion of the estate proceeding, after which the lobbying firm would evaluate the property and determine the ownership rights and its future use the subject property.

The Capitol Hill Restoration Society, represented by its Zoning Chair Lyle Schauer, and Ellen Chafee, who lives across the street from the property, both recommended that the Board grant the continuance until September, so that the case would be heard then and the Board could make a final determination as to whether the office use was a legal or illegal use of the property. Another resident of neighboring property, Joe Warren, opposed the requested continuance, citing the continued operation of a business in the residential neighborhood.

The Applicant stated that the probate matter was expected to be resolved by September 2001, but suggested that a longer postponement of the hearing on the variance application – until

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December 2001 – was more realistic and would minimize the need for a potential fourth request for a continuance. The Applicant also stated that the application might be withdrawn after conclusion of the probate proceeding, depending on decisions with respect to the lobbying firm's continued use of the property.

The Applicant was not prepared to present its case on the scheduled hearing date, even though the request for continuance had not yet been decided. The Board concludes that further postponement of this application is unwarranted. The Applicant seeks to delay the hearing on its application until after completion of probate proceeding, which will not be concluded until at least September and possibly months later. Further, the Applicant indicated that the variance request might be withdrawn, depending on the outcome of the probate proceeding. Thus, even if the Board granted another continuance, there would be no guarantee of the sort of "final determination" desired by the Capitol Hill Restoration Society. The Board is also concerned that indefinite postponement of this application would allow the continued use of residentially zoned property for commercial office purposes.

In light of the foregoing, the Board hereby **ORDERS** that the application be **DISMISSED.**

VOTE: 2-1-2 (Anne M. Renshaw and Susan M. Hinton to deny the request for a continuance; Sheila Cross Reid opposed; Anthony J. Hood abstaining, the third mayoral appointee not present, not voting).

FINAL VOTE: 3-1-1 (Anne M. Renshaw, Susan M. Hinton, and Anthony J. Hood to dismiss the application; Sheila Cross Reid opposed, the third mayoral appointee not present, not voting).

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

Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS
Director

FINAL DATE OF ORDER: JUL 12 2001

UNDER 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6 OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE AND UPON ITS FILING IN THE RECORD AND SERVICE ON THE PARTIES.

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BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO: 16619

As Director of the Office of Zoning, I certify and attest that on JUL 12 2001, a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Romano Romani & Thomas D. Parry
233 Constitution Avenue, NE
Washington, D.C. 20002

Ivette Basterrechea, Chairperson
Advisory Neighborhood Commission 6A
524 H Street, NE, Ground Floor
Washington, D.C. 20002

Janet Quigley, Commissioner
Single Member District 6A05
644 Massachusetts Avenue, NE # 302
Washington, D.C. 20002

Jack Evans, Councilmember
Ward Two
441 4th Street, NW, Room 703
Washington, D. C. 20001

Ellen McCarthy, Deputy Director
Development Review Division
Office of Planning (4th Floor)
801 North Capitol Street, NE
Washington, D.C. 20002

Michael D. Johnson, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, NW, 6th Floor
Washington, D.C. 20001

Attested by: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director