GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

October 6, 1999

DISTRICT OF COLUMBIA
00 SEP 5 P 4:32

Michael Sussman
2109 N Street, NW
Washington, DC 20037

Re: 1819 35th Street, NW
Square: 1297 Lot(s): 850
(Open Lot)
Zoned: R-4

Dear Mr. Sussman:

Your certificate of occupancy application #607586 filed to use the subject premises as "Sale of Antiques and Collectibles - Sunday only 7:00am to 6:00pm" is disapproved due to the need for Board of Zoning Adjustment approval. The property for purposes of zoning is classified as R-4 which does not allow your proposed use. You may, however, request a variance from the use provisions (DCMR Title 11, Section 330.5) of the R-4 Zone. The variance must be obtained through a public hearing before the Board of Zoning Adjusument.

The Board has authority to grant variances under provisions of DCMR Title 11, Section 3107.2 which reads as follows:

> "As set forth in D.C. Code, Section 5-424(g)(3), 'Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code, Sections 5-413 to 5-432 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.'"

BZA
Case No. 16643
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO.16642
EXHIBIT NO.3

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when requesting special approval. If your request is granted, a new certificate of occupancy application must be filed.

Sincerely,

Edgar T. Nunley, Chief
Zoning Review Branch