GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

June 25, 2001

Adam L. Oliphant
1452 D Street, N.E.
Washington, D.C. 20002

Re: 1452 D Street, N.E.
Square: 1053 Lot(s): 90
(First Floor)
Zoned: R-4

Dear Mr. Oliphant:

Your certificate of occupancy application #13439 filed to use the subject premises as "Grocery/Deli" is disapproved. The property, for purposes of zoning, is classified as R-4 which does not allow your proposed use.

If your proposed use is determined to be a neighborhood facility, you may petition the Board of Zoning Adjustment and request a special exception under provisions of DCMR Title 11, Section 2003.1, to change a nonconforming use (Basement Storage; B110003; 8/11/78) to your proposed use. The Board has authority to grant special exception under the provisions of Section 3104.1.

If, however, your use is not deemed a neighborhood facility, you may petition the Board of Zoning Adjustment and request a variance from the use provisions (DCMR Title 11, Section 330.4) of the R-4 Zone. 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

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Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
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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.'"

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,

Michael D. Johnson
Zoning Administrator

MDJ/TB/ee