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

Building and Land Regulation Administration
Office of the Zoning Administrator

EXHIBIT # 1
DENIAL LETTER

June 19, 2001

Francis Bundu
39 New York Avenue, N.E.
Washington, D.C. 20001

Re: 39 New York Avenue, N.E.
Square: 671 Lot(s): 18
(Second Floor)
Zoned: C-M-1

Dear Mr. Bundu:

Your certificate of occupancy application #12718 filed to use the subject premises as a "Public Hall (for Weekend) Engagements, Meetings, Birthdays, etc." is disapproved due to the need for Board of Zoning Adjustment approval.

Although your proposed use is a permitted use in the C-M-1 Zone District, you must provide off-street parking as follows:

> "1 for each 10 seats of occupancy capacity for the first 10,000 seats, plus 1 for each 20 seats above the first 10,000: Provided, that where such seats are not fixed, each seven square feet 7 ft.^{2} usable for seating shall be considered 1 space"

"Proof of the parking must be shown on a D.C. Surveyor's Building Plat which may be obtained in Room 2700, 941 North Capitol Street, N.E.. Each parking space must be 9' x 19', covered with four (4) inches of an all weather impervious material, be accessible by a 14' aisle, and be located on the same lot as the primary use.

If you are unable to meet the off-street parking requirements, a variance from the provisions of Section 2101 may be obtained through a public hearing before the Board of

BZA
Case No. 16785
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO.16785
EXHIBIT NO.7

Zoning Adjustment. 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.'"

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,

for Michael D. Johnson
Zoning Administrator

MDJ/TB/ee