APPENDIX A – PRINCIPAL ZONING REGULATIONS RELIED UPON

101 INTERPRETATION AND APPLICATION

101.6 Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created.

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

. . . .

Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

. . . .

Community-based residential facility - a residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by D.C. Law 2-35, the Community Residence Facilities Licensure Act of 1977, and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home.

If an establishment is a community-based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories:

(a) **Adult rehabilitation home** – a facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders;

(b) **Community residence facility** – a facility that meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations, 22 DCMR § 3099.1, as that definition may be amended from time to time;

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(c) **Emergency shelter** – a facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1;

(d) **Health care facility** – a facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1, as those definitions may be amended from time to time;

(e) **Substance abusers home** – a community residence facility that offers a sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, 22 DCMR § 3099.1, for one (1) or more individuals diagnosed by a medical doctor as abusers of alcohol, drugs, or other controlled substances;

(f) **Youth rehabilitation home** – a facility providing residential care for one (1) or more individuals less than twenty-one (21) years of age who have been detained or committed by a court pursuant to their involvement in the commission of an act designated as an offense under the law of the District of Columbia, or of a state if the act occurred in a state, or under federal law. The facility shall not house persons sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense;

(g) **Youth residential care home** – a facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals less than eighteen (18) years of age, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance.

. . . .

Family – one (1) or more persons related by blood, marriage, or adoption, or not more than six (6) persons who are not so related, including foster children, living together as a single housekeeping unit, using certain rooms and housekeeping facilities in common; Provided, that the term family shall include a religious community having not more than fifteen (15) members.

. . . .

Lot - the land bounded by definite lines, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

. . . .

Lot of record – a lot recorded on the records of the Surveyor of the District of Columbia.

199.2 For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words when used in other regulations:

. . . .

(c) The word "lot" shall include the word "plot" and "parcel";

. . . .

(g) Words not defined in this section shall have the meanings given in *Webster's Unabridged Dictionary*.

201 USES AS A MATTER OF RIGHT (R-1)

201.1 The following uses shall be permitted as a matter of right in R-1 Residence Districts:

(n) Certain Community-Based Residential Facilities, as limited by the following:

(1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; Provided, that the number of persons being cared for shall not exceed six (6).

300 R-2 DISTRICTS: GENERAL PROVISIONS

300.3 The following uses shall be permitted as a matter of right in R-2 Districts:

(a) Any use permitted in R-1 Districts under § 201 of chapter 2 of this title.

320 R-3 DISTRICTS: GENERAL PROVISIONS

320.3 The following uses shall be permitted as a matter of right in an R-3 District:

(a) Any use permitted in an R-2 District under § 300.3.

330 R-4 DISTRICTS: GENERAL PROVISIONS

330.5 The following uses shall be permitted as a matter of right in an R-4 District:

(a) Any use permitted in R-3 Districts under § 320.3 of this chapter.

350 R-5 DISTRICTS: GENERAL PROVISIONS

350.4 The following uses shall be permitted as a matter of right in an R-5 District:

(a) Any use permitted in the R-4 District . . . .

358 YOUTH [RESIDENTIAL] CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-5)

358.1 Youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted in an R-5 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3108.1 [renumbered § 3104.1] of chapter 31 of this title, subject to the provisions of this section.

358.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.

358.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

358.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

358.5 The proposed facility shall meet all applicable code and licensing requirements.

358.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

358.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

358.8 The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be

achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

358.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

501 USES AS A MATTER OF RIGHT (SP)

501.1 The following uses shall be permitted as a matter of right in an SP District:

(a) Any use permitted in any R-5 District under §§ 350.4 and 350.5, except a hotel.

701 USES AS A MATTER OF RIGHT (C-1)

701.2 Any use permitted in any R-5 District under §§ 350.4 and 350.5, or in the SP District under § 501, except a community-based residential facility for seven (7) or more persons not including resident supervisors or staff and their families, shall be permitted in a C-1 District as a matter of right.

701.3 A youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families, shall be permitted in a C-1 District as a matter of right; Provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons in the same square and that there shall be no property containing an existing community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

721 USES AS A MATTER OF RIGHT (C-2)

721.1 Any use permitted in C-1 Districts under § 701 of this chapter shall be permitted in a C-2 District as a matter of right.

. . . .

721.5 A youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted in a C-2 District as a matter of right;

Provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons in the same square and that there shall be no property containing an existing community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

724 USES SUBJECT TO BZA APPROVAL: GENERAL (C-2)

724.1 The uses specified in §§ 726 through 733 shall be permitted in a C-2 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3108 [renumbered § 3104] of chapter 31 of this title.

732 COMMUNITY-BASED RESIDENTIAL FACILITIES (C-2)

732.1 Community-based residential facilities in the following subcategories shall be permitted in a C-2 District if approved by the Board of Zoning Adjustment, in accordance with the conditions specified in § 3108 [renumbered § 3104] of chapter 31 of this title:

(a) Youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 358 of chapter 3 of this title.

3104 SPECIAL EXCEPTIONS

3104.1 Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in [the Zoning Regulations].

3202 BUILDING PERMITS

3202.2 To determine compliance with the provisions of this title, each application for a building permit shall be accompanied by any of the following that is deemed necessary:

(a) Scaled drawings showing the following:

(1) The exact shape, topography, and dimensions of the lot to be built upon;

(2) The plan, elevation, and location by dimensions of all existing and proposed structures, and the proposed uses of those structures;

(3) The parking and loading plans and the basis for computation of those plans; and

(4) Other information necessary to determine compliance with these regulations; and

(b) An official building plat, in duplicate, prepared by the Surveyor of the District of Columbia, upon which the applicant shall indicate in ink and to the same scale dimensions of the following:

(1) All existing and proposed structures;

(2) The number, size, and shape of all open parking spaces, open loading berths, and approaches to all parking and loading facilities; and

(3) Other information necessary to determine compliance with the provisions of this title.

3202.3 Except as provided in § 2516 (relating to building lot control in Residence Districts) and the Act of Congress of June 28, 1898 (30 Stat. 520, chapter 519, § 5), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

3203.1 Except as provided in §§ 3203.1, 3203.8, or 3203.9, no person shall use any structure, land, or part of any structure or land for any purpose other than a one-family dwelling until a certificate of occupancy has been issued to that person stating that the use complies with this title and the provisions of the D.C. Building Code (Title 12 DCMR).

APPENDIX B – EVIDENTIARY RULINGS

A. Girls and Boys Town Motion to Strike

Girls and Boys Town filed a written motion on November 29, 2001, to strike certain of the SCSD pre-hearing submissions and to suppress certain anticipated testimony as irrelevant. Ex. 33. The District of Columbia Administrative Procedure Act requires the exclusion of "irrelevant, immaterial, and unduly repetitious evidence." D.C. Code § 2-509(b) (2001). After reviewing the motion and the opposition thereto, the Board granted the motion in part and denied the motion in part.

The Board ordered the following evidence suppressed:

(1) Evidence relating to any future development of Boys Town, whether actually planned or simply speculated on by the Appellant: The Board suppressed all speculative testimony, but deferred ruling on planned future development. Tr. at 49-50 (Dec. 4, 2001). As the parties did not present any material evidence concerning actual planned future development, the Board did not find it necessary to rule on Girls and Boys Town's request to suppress such testimony.

(2) Evidence relating to Boys Town pending lawsuit involving the subject properties: The Board suppressed all testimony involving the lawsuit, since it was not the type of information that would be considered by the Zoning Administrator in approving the issuance of the permit. Tr. at 50-51 (Dec. 4, 2001).

(3) The Ward 6 Plan and other community planning efforts: The Board allowed evidence regarding the Comprehensive Plan and the Ward 6 Plan since the Comprehensive Plan Amendment Act of 1999, 10 DCMR § 112.6(c), directs the Zoning Administrator and the Board of Zoning Adjustment to consider the applicable sections of the Comprehensive Plan in evaluating the issuance of any building permit, but suppressed all other evidence relating to community planning efforts. Tr. at 51-57 (Dec. 4, 2001).

(4) Information on the selling price for nearby homes: The Board suppressed all such evidence since it is not relevant to the issue on appeal, which is whether the Zoning Administrator erred in the administration and interpretation of the Zoning Regulations in determining that the four building permits could be issued as a matter of right rather than requiring special exception approval. Tr. at 57 (Dec. 4, 2001).

(5) Boys Town's Finances: The Board suppressed all such evidence since it is not relevant to the issue on appeal. Tr. at 57 (Dec. 4, 2001).

(6) The number of community-based residential facilities in Ward 6: At the December 4, 2001, public hearing, the Board deferred ruling on this aspect of the motion to suppress. Tr. at 57-58. None of the parties presented material evidence regarding the number of CBRFs in Ward 6, therefore the Board found it unnecessary to rule on this request.

(7) All references to Phase II of the project: At the December 4, 2001, public hearing, the Board deferred ruling on this aspect of the motion to suppress. Tr. at 59. None of the parties presented material evidence regarding Phase II, therefore the Board found it unnecessary to rule on this request.

(8) All references to Boys Town's Sargent Road site: The Board suppressed all such evidence, with the exception of the Board of Zoning Adjustment's Decision and Order relating to the site and the Zoning Administrator's memorandum relating to the zoning relief required for the site. Tr. at 59-64 (Dec. 4, 2001).

(9) Any testimony not germane to the appeal. The Board suppressed such testimony as irrelevant. Tr. at 64 (Dec. 4, 2001).

(10) Testimony regarding other social services in the District, such as city jails and the D.C. Hospital: The Board suppressed such testimony as irrelevant. Tr. at 64 (Dec. 4, 2001).

(11) State of the real estate market in the surrounding area: The Board suppressed such evidence as irrelevant. Tr. at 64 (Dec. 4, 2001).

(12) Speculation on Boys Town future plans: The Board suppressed all speculative testimony. Tr. at 65 (Dec. 4, 2001).

(13) The Comprehensive Plan: In light of 10 DCMR § 112.6(c), the Board allowed the parties to submit evidence regarding the applicable sections of the Comprehensive Plan. Tr. at 65 (Dec. 4, 2001).

(14) The central operations of Boys Town: At the December 4, 2001, hearing, the Board deferred ruling on the motion. Tr. at 65-66. Girls and Boys Town subsequently presented limited testimony regarding its operations, which the Board allowed.

(15) Boys Town's alleged lack of communication with community groups. The Board suppressed all such testimony as irrelevant to the determination of whether the Zoning Administrator erred in the administration and interpretation of the Zoning Regulations. Tr. at 66-67 (Dec. 4, 2001).

(16) The likelihood of expansion of the project: The Board suppressed any such testimony that would be speculative in nature. Tr. at 67 (Dec. 4, 2001).

(17) Economic development in the area: The Board suppressed such testimony as irrelevant to the question of whether the Zoning Administrator erred in the administration and interpretation of the Zoning Regulations. Tr. at 67-69 (Dec. 4, 2001).

(18) Other impacts on zoning and planning goals: At the December 4, 2001, hearing, the Board deferred ruling on the admissibility of such evidence. Tr. at 69. Ultimately, none of the parties presented such evidence and a ruling was not required.

The Board's ordered the following documents, contained in the Appellants' pre-hearing submissions (Exhibit 30), stricken:

(1) Volume 1, ex. 3, Ward 6 Plan: In light of 10 DCMR § 112.6(c), the motion to strike is denied. Tr. at 70 (Dec. 4, 2001).

(2) Volume 1, ex. 3, Draft Strategic Plan and Budget for 2000-2001: the motion to strike is granted as these materials are not relevant to the determination of whether the Zoning Administrator erred in applying or interpreting the Zoning Regulations. Tr. at 70-71 (Dec. 4, 2001).

(3) Volume 1, ex. 3, OP Memorandum dated March 30, 2001, regarding Committees and Assignments for May 2nd Planning Task Force: The motion to strike is granted as these materials are not relevant. Tr. at 71 (Dec. 4, 2001).

(4) Volume 1, ex. 3, Court Services and Offender Supervision Agency Fact Sheet: On December 4, the Board deferred ruling on the admissibility of this submission. Tr. at 71-72. The motion to strike is granted as the fact sheet is not relevant to the issue on appeal.

(5) Volume 1, ex. 3, Map of CBRFs located near Square 1045: On December 4, the Board deferred ruling on the admissibility of this submission. Tr. at 72. The motion to strike is hereby granted as the map is not relevant to the issue on appeal.

(6) Volume 1, ex. 3, D.C. Health Care, Inc., letter dated June 26, 2001: On December 4, the Board deferred ruling on the admissibility of this submission. Tr. at 72-73. The motion to strike is granted since the existence of D.C. Health Care, Inc., is not germane to the question of whether the project consists of four facilities or one facility. Exhibit 5 in the BZA case file, an identical copy of the letter, is also stricken.

(7) Volume 1, ex. 4, Materials relating to Girls and Boys Town Sargent Road facility from BZA Application No. 16531: The Board denied the motion to strike with respect to the Zoning Administrator's memorandum dated April 10, 2000, as this memorandum is relevant to the question of whether the four youth residential care homes are permitted as a matter of right. Tr. at 84-85 (Dec. 4, 2001). At the December 4, 2001, hearing, the Board deferred ruling on the admissibility of the public hearing notice concerning the Sargent Road facility. The motion to strike is granted with respect to that document, as it is irrelevant to the issue on appeal. All other documents contained in Volume 1, exhibit 4, are stricken as irrelevant to the issue on appeal. Tr. at 73-85 (Dec. 4, 2001).

(8) Volume 1, ex. 5, information on foster care rates, federal payment for Boys Town operations, and District of Columbia contracts for foster care services: All documents are stricken as irrelevant. Tr. at 85-88 (Dec. 4, 2001).

(9) Volume 2, ex. 6, newspaper clippings: All documents are stricken as irrelevant. Tr. at 88 (Dec. 4, 2001).

(10) Volume 2, ex. 7, comments on the environmental assessment and impact analysis. These documents are stricken as irrelevant, as there was no indication that the Zoning Administrator considered them in making his decision. Tr. at 88-93 (Dec. 4, 2001).

(11) Volume 2, ex. 8, environmental assessment report: The Board admitted the environmental assessment into evidence since it contains Girls and Boys Town's narrative description of the project. Tr. at 93-101 (Dec. 4, 2001).

(12) Volume 3, ex. 10, Girls and Boys Town lawsuit: The Board ordered this exhibit stricken as irrelevant to the issue on appeal. Tr. at 102 (Dec. 4, 2001).

B. SCSD's Objection to Evidence and Arguments Relating to Fair Housing Act Issues

In its opposition dated December 4, 2001, to Girls and Boys Town Motion to Strike, SCSD objected to Girls and Boys Town's arguments and evidence relating to the requirements of the Fair Housing Act. The Board ordered such testimony and arguments suppressed as irrelevant, since there is no evidence that Girls and Boys Town has as sought "reasonable accommodation" under District of Columbia regulations implementing the Fair Housing Act.[4] The Board also ordered attachment F in Exhibit 32, Girls and Boys Town' pre-hearing statement, a copy of the stipulated agreement between the United States and the District of Columbia regarding Fair Housing Act requirements, stricken from the record as irrelevant. Tr. at 69, 102 (Dec. 4, 2001).

C. Girls and Boys Town Objection to Neighborhood Petition

During the hearing on February 19, 2002, Girls and Boys Town objected to the inclusion in the record of Exhibit 9 in Volume 1 of SCSD's pre-hearing submission (BZA Ex. 30(c)), a petition signed by numerous Capitol Hill residents opposing Girls and Boys Town's plans to build a "residential-type group care complex for youth" in the 1300 block of Pennsylvania Avenue, S.E., and/or the 1300 block of Potomac Avenue, S.E. The Board deferred ruling on whether the petition should be stricken. Tr. at 319-20 (Feb. 19, 2002).

In an appeal, the Board must decide whether the Zoning Administrator erred in the interpretation or administration of the Zoning Regulations. D.C. Code § 6-641.07(g)(1) (2001). The existence of neighborhood opposition or support for a particular project does not provide a sound basis for the determination of whether to grant or deny an appeal. See, e.g., *Dietrich v. District of Columbia Board of Zoning Adjustment*, 320 A.2d 282, 285 (D.C. 1974), in which the Court approved the Board's explanation that its decisions to grant or deny a special exception "must not be controlled by a head count as in a political election. Rather, its decision is controlled by the evidence adduced as it relates to the requirements for a special exception." The neighborhood petition is therefore stricken.

---

[4] The Department of Consumer and Regulatory Affairs Procedures Regarding Requests for Reasonable Accommodation Under the Fair Housing Act are set out in 14 DCMR § 111, 45 DCR 8057 (1998).

D. Appellants' Objection to Girls and Boys Town Exhibit Consisting of Package of Community Outreach Materials

At the February 19, 2002, public hearing, Girls and Boys Town sought to introduce into evidence a package of various community outreach materials. The Board admitted into evidence that portion of the package consisting of community updates, BZA Exhibit 50, since these updates contain information relating to Girls and Boys Town characterization of the project. The Board did not accept into evidence the remainder of the package, as it consisted of public relations materials that are not germane to the issue on appeal. Tr. at 362-66, 380, 400-06 (Feb. 19, 2002).

E. Appellants' Objection to Girls and Boys Town Exhibit Consisting of Newspaper Articles Relating to the Child Welfare System

At the February 19, 2002, public hearing, Girls and Boys Town offered into evidence a series of newspaper articles dated 2001 relating to the state of the foster care system in the District of Columbia. Neither the Zoning Commission, in approving Zoning Commission Order No. 725 in 1992, nor the Zoning Administrator, in reviewing the building permit applications in question, would have considered the articles in the course of making their decisions. The Board therefore sustained the Appellants' objection that the articles are irrelevant to the issues on appeal. Tr. at 233-34, 316-19 (Feb. 19, 2002).

F. BZA Exhibit 48: Letter from Van Hale

Exhibit 48 consists of a letter to the Board from Van Hale dated February 13, 2002. Since the Board's Rules of Practice and Procedure do not provide for public comment in appeal cases, *see* 11 DCMR § 3177.11(a), Exhibit 48 is stricken from the record.

G. BZA Exhibit 59: Testimony of Lawrence P. Goodwin and E. Douglas Shadd; Letter from Kalimah Abdul Sabur

Exhibit 59 consists of written testimony from Lawrence P. Goodwin dated February 19, 2002, and E. Douglas Shadd, dated February 12, 2002, along with a letter from ANC Single-Member District Commissioner Kalimah Abdul Sabur dated February 12, 2002. None of the parties to this appeal presented these documents as part of their case. The Board's Rules of Practice and Procedure do not provide for public comment in appeal cases. *See* 11 DCMR § 3177.11(a). Therefore, Exhibit 59 is stricken from the record.

APPENDIX C – CORRECTIONS TO 05/07/02 TRANSCRIPT

The Board orders the transcript of the May 7, 2002, decision meeting on this case corrected as follows:

Page 3, Lines 10 and 11: Change NC-6B to ANC 6B in two places.

Page 3, Line 19: Change Zone Administrator to Zoning Administrator.

Page 3, Line 21: Add the words "in a" so that the sentence begins "It is in a C-2-A District . . . ."

Page 3, Line 23: Delete the words "is and added."

Page 4, Line 2: Change proprietary to prior.

Page 5, Line 9: Change CBRS to CBRFs.

Page 5, Line 12: Change needed to needy.

Page 8, Line 17: Change sat to say.

Page 9, Line 4: After the word facility, add a comma and the word "there."

Page 16, Line 25: Change were to where.

Page 18, Line 9: Change phrase to phase.

Page 21, Line 21: Change Field to Feola.

Page 23, Lot 13: Change on to out.

Page 27, Line 1: Change Mr. Kudos to Mr. Bello.

Page 28, Line 25: Change secondary to seconder.

Page 29, Line 4: Add the word permits at the end of the line (the four different permits).

Page 30, Line 14: Change need to lead.

Page 33, Line 14: Change Thanks to Thank.

Page 34, Line 16: Add the word "that" before the phrase "I have difficulty with."

Page 35, Line 21: Add the word "not" so that the phrase reads "are not unknown."

Page 36, Line 5: Change implying to inclined.

Page 45, Line 4: Change an to and.

Page 49, Line 17: Add the word "not" in the phrase "that would not be the zoning regulations."

Page 50, Line 4: Change share to chair.

Page 50, Line 16: Change certifying to certificate of.

Page 51, Line 4: Change provision to proposition.

Page 51, Line 25: Change is to as.

Page 53, Line 7: Change mia to mea.

Page 55, Line 13: Change Sergeant's Row to Sargent Road.

Page 56, Line 2: Change Sergeant to Sargent.

Page 59, Line 22: Change issues to issued.

Page 61, Line 13: Change presidential to precedential.

Page 61, Line 18: Change presidential to precedential.

Page 62, Line 17: Add the word statement and correct the word Sergeant, to read "it was a very significant statement in the Sargent Road decision."

Page 62, Line 23: Change use to youth.

Page 64, Line 6: Change alliance to reliance.

Page 65, Line 9: Change work to look.

Page 68, Line 9: Change got to go.

Page 73, Line 5: Change vanilla to fundamental.

Page 73, Line 8: Change presidential to precedential.

Page 74, Line 1: Change rural to real.

Page 78, Line 4: Change Sergeant to Sargent.

Page 82, Lines 2 and 10: Change Sergeant to Sargent.

Page 85, Line 20: Change searing to searching.

Page 89, Line 22: Change alliance to reliance.

Page 92, Line 14: Change subsigent to substantive.

Page 98, Line 19: Change 350 to 358.

Page 100, Line 13: Change meant to mean.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPEAL NO. 16791

As Director of the Office of Zoning, I hereby certify and attest that on JUN 2 1 2002, a copy of the foregoing Decision and Order in BZA Appeal No. 16791 was mailed first class, postage prepaid, to each party and public agency who appeared and participated in the public hearing and who is listed below:

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MS/rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director