GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16793 of Anexora Skvirsky, pursuant to 11 DCMR § 3104.1, for a special exception to operate a bed and breakfast home occupation having a maximum of six (6) sleeping rooms under subsections 203.8 and 203.10 in the DCOD/R-5-B District at premise 1604 19th Street, N.W. (Square 111, Lot 53).

NOTE: This Order only approves the use of the site to operate a bed and breakfast for a maximum of six sleeping rooms at 1604 19th Street, N.W. The Board also approved the application for the Applicant to construct an addition at the rear of the premises. The Applicant is to receive final approval from the DC Historic Preservation Review Board (HPRB), prior to issuance of the Order for the addition. A separate order will be issued authorizing construction of the rear addition, upon receipt of the requested information from HPRB.

HEARING DATE: **January 8, 2002**
DECISION DATE: **January 8, 2002 (Bench Decision)**

SUMMARY ORDER

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief (Exhibit No. 4).

Board of Zoning Adjustment Application Number 16792 (1606 19th Street, N.W.) is the companion case. The Board determined that Application Number 16793 would be heard simultaneously with Application No. 16792 because the buildings abut, the proposed construction would affect both buildings, and both buildings would be used for a bed and breakfast. Additionally, the Board's time would be spent prudently if the cases were presented at the same time. The Applicant agreed to the Board's recommendation.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B, and to owners of property owners within 200 feet of the site. The application was also referred to the Office of Planning for review and report. The Board received a report from the Office of Planning recommending approval of the application (Exhibit No. 28).

The subject property is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, submitted a report to the Board (Exhibit No. 22). The ANC voted, unanimously, to support the application.

BZA
Case No. 16793
Exhibit No. 30

Board of Zoning Adjustment
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CASE NO.16793
EXHIBIT NO.30

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the strict application of the requirements of 11 DCMR § 3104.1. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP and ANC reports, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 3104.1, 203.8 and 203.10. The Board determined that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED TO OPERATE A BED AND BREAKFAST AS A HOME OCCUPATION HAVING A MAXIMUM OF SIX (6) SLEEPING ROOMS.**

Pursuant to 11 DCMR § 3101.6, the Board waived the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0-0 (Geoffrey H. Griffis, Anne Mohnkern Renshaw, Curtis L. Etherly, Jr. John G. Parsons and David W. Levy to approve.)

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

Each concurring Board member approved the issuance of this Order.

JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: JAN 2 4 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

BAB/1.16.02

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16793

As Director of the Office of Zoning, I hereby certify and attest that on JAN 24 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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