GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16983 of Richard Nappi, pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot area requirements under subsection 401.3, and a variance from the off-street parking requirements under § 2101, to allow the conversion of two contiguous row dwellings into a single 7 unit apartment building in the R-4 District at premises 505 and 507 O Street, N.W. (Square 479, Lots 36 & 37)

HEARING DATES: March 11, 2003
DECISION DATES: April 1, 2003, April 8, 2003

DECISION AND ORDER

The applicant[1] (Applicant), Blue Sky Housing O Street, L.L.C., (Blue Sky), self-certified its need for variance relief from the Board of Zoning Adjustment (Board). It requests variance relief from the minimum lot area requirements of § 401.3 and the off-street parking requirements of § 2101.1 of Title 11 of the District of Columbia Municipal Regulations (DCMR). For the reasons stated below, the Board denies the variance under § 401.3 and grants the variance under § 2101.1.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated January 13, 2003, the Office of Zoning (OZ) notified the Council Member for Ward 2, Advisory Neighborhood Commission (ANC) 2C, the ANC member for Single Member District 2C02, the District of Columbia Department of Transportation (DDOT) and the District of Columbia Office of Planning (OP), of the filing of the application. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing on the application in the District of Columbia Register and on January 16, 2003, mailed notices to the ANC, the Applicant, and to all owners of property within 200 feet of the subject property, advising them of the date of the hearing. Further, Applicant's affidavit of posting indicates that on February 24, 2003, it posted two zoning posters on the subject property, one on 505 O Street, N.W. (Lot 36), and one on 507 O Street, N.W.(Lot 37), in plain view of the public.

[1]The original applicant in this case was Richard Nappi, the owner of the subject property on October 28, 2002, the date on which the application was filed with the Office of Zoning. On January 24, 2003, Mr. Nappi sold the property to a developer, Blue Sky Housing O Street, L.L.C., which plans to develop the property with condominium units. Therefore, although the original application is that of Richard Nappi, Blue Sky Housing assumed all the rights and responsibilities attendant to the application and all references herein to the owner of the property or to the "Applicant" signify Blue Sky Housing O Street, L.L.C.

BZA
Case No. 16983
Exhibit No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO. 16983
EXHIBIT NO. 40

Requests for Party Status. There were no requests for party status.

Applicant's Case. Mr. Earle Horton, III, the managing member of Blue Sky, and also its attorney, put on the Applicant's case. He testified that the property is unique in that the two historic row houses that currently occupy the subject property are in decrepit condition and need much repair and rehabilitation. He stated that the desire of the Applicant and the neighborhood to retain as much of the row houses' original structures as possible meant a greatly increased cost of construction. According to the Applicant, this cost of construction constitutes the Applicant's practical difficulty because it renders the project economically infeasible if the Applicant is kept to a matter-of-right 4 units (5 units with lot consolidation). With 7 units, however, Mr. Horton testified that the project becomes feasible, even with the greater cost associated with retention of parts of the original structures. Mr. Horton further testified that the project met the third variance test of no detriment to the public good or to the zone plan and map because it is rehabilitating and putting to use abandoned, deteriorated row houses.

Concerning parking, Mr. Horton testified that the rear of the property does not abut an alley and that there is ample local on-street parking. He also said that the Applicant was seeking available parking spaces in the neighborhood in order to enable each condominium unit to have one designated parking space. He did not elaborate, however, as the Board's Chairperson, speaking for the Board, indicated that the Applicant could stand on the record concerning the parking variance relief requested.

The project's architect, Mr. James Killette, also testified on behalf of the project and explained that, along with the 5 matter-of-right units of approximately 1000-square-feet each, the variance relief would make possible two extra units of approximately 900 square feet each.

Government Reports. The Office of Planning submitted a report to the Board dated March 4, 2003. OP recommended that the Board grant variance relief from parking requirements if the lot area variance relief were granted, but also stated that it could not recommend the granting of the lot area relief, and that it was awaiting further information from the Applicant. In its report, OP states that exceptional conditions exist on the property and that the granting of the area variance would be consistent with the Comprehensive Plan for the National Capital (Comprehensive Plan), but also states that the Applicant failed to demonstrate practical difficulty. OP finds that the granting of the lot area variance, absent demonstration of practical difficulty, would be contrary to the intent of the zoning regulations and the zone plan.

After reviewing the Applicant's Supplemental Response, which attempted to clarify and delineate the Applicant's practical difficulty, OP prepared a Supplemental Report dated March 25, 2003. In its Supplemental Report, OP, after recounting several shortcomings

in the Applicant's proof, nevertheless concludes that the requested zoning relief is necessary "to make the project viable." *See,* OP Supplemental Report, at 2. OP therefore recommends that the Board grant both the lot area and the parking variances.

The District of Columbia Department of Transportation (DDOT) submitted a report to the Board dated March 4, 2003. DDOT had no objection to the application, noting that on-street parking is available and that the site is well-served by public transportation, with several major bus lines traversing nearby streets and a metro station 3 blocks away.

ANC Report. By letter dated February 28, 2003, ANC 2C indicated that at a November 6, 2002 meeting, at which a quorum was present, it voted unanimously to support the application. The letter notes that the two row houses appear to be almost unsalvageable and that the Applicant proposes to rehabilitate them, making them consistent with other row houses in the area.

Parties and Persons in Support. There were no parties or persons in support.

Parties and Persons in Opposition. There were no parties or persons in opposition.

Hearing. The public hearing on the application was held and completed on March 11, 2003, however the Board requested further information from the Applicant, and the record was held open until March 26, 2003, pending receipt of this information.

Decision Meeting. The Board held a public decision meeting on April 1, 2003. At the meeting, only 3 Board members were present, and no majority could be mustered for either approval or denial of the application. Therefore, consideration of this application was postponed until April 8, 2003, when a fourth Board member would be present and voting. On April 8th, the Board voted 1-3-1 to deny the lot area variance, and 4-0-1 to grant the parking variance. (At neither decision meeting was a fifth member present, as the Board was awaiting the appointment of this member.)

FINDINGS OF FACT

The Subject Property

1. The subject property is located at 505 and 507 O Street, N.W. and is comprised of Lots 36 and 37 in Square 479. Square 479 is located in an R-4 zone district in the Shaw neighborhood of Northwest Washington, D.C. It is bounded to the south by O Street, N.W., to the north, by P Street, N.W., to the east, by 5th Street, N.W., and to the west, by 6th Street, N.W.
2. The primary purpose of the R-4 zone district is the stabilization of remaining single-family dwellings. 11 DCMR § 330.2. To this end, the R-4 district is not to be an apartment house district. 11 DCMR § 330.3. The only multiple-family

dwellings permitted (other than flats, which are limited to two families) are conversions of pre-1958 structures and these conversions are controlled by a minimum lot area per family requirement. 11 DCMR §§ 330.5 and 401.3.

3. The subject site is designated on the Comprehensive Plan's Generalized Land Use Map as Moderate Density Residential.
4. The subject property has not been designated a historic landmark, nor is it located in a historic district.
5. Lots 36 and 37 are 2 of 3 lots which front on the north side of the 500 block of O Street, N.W. Lot 36 is adjacent to the east of Lot 37. Each lot comprises 2282.50 square feet and is 20.75 feet wide and 110 feet deep. Together, the lots comprise 4565 square feet. Neither lot has an unusual shape, slope, or other topographical feature.
6. Lot 36 is improved with a vacant 2-story-plus-basement row dwelling, which is generally 76 feet deep and 17.75 feet wide at the front, tapering to 12 feet wide at the back. The Lot 36 row dwelling has a non-conforming 3-foot-wide side yard to its east. *See,* 11 DCMR § 405. On its west side, between it and the Lot 37 row dwelling, it has a non-conforming court, which ranges from 3 to 7 feet wide. *See,* 11 DCMR § 406.1.
7. Lot 37 is also improved with a vacant 2-story-plus-basement row dwelling, generally 63 feet deep, 20.75 feet wide at the front and 17 feet wide at the back. This row dwelling does not have a side yard on either side because the front of the building fills the entire width of the lot, and a yard must run the entire depth of the dwelling. *See,* 11 DCMR § 199.1, definition of "Yard, Side." The Lot 37 row house, however, has a non-conforming 4-foot wide court on its west side. *See,* 11 DCMR § 406.
8. Immediately to the west of the Lot 37 row dwelling is another row dwelling which shares a party wall with the Lot 37 structure for part of its depth. Immediately to the east of the Lot 36 side yard are the rear yards of several row houses fronting on 5th Street, N.W.
9. Both the Lot 36 and the Lot 37 row dwellings are pre-1958 shells with significant portions of roofs, structural members, partitions and other building fabric missing. They have no interior fittings. The structural integrity of the roof and interior elements of Lot 36's row house has been compromised and the only salvageable portions of Lot 37's row house are the front and side walls.

The Proposed Development and the Lot Area Variance

10. The Applicant proposes to develop the subject property with a project of approximately 7,000 square feet, housing 7 new condominium units -- 3 on Lot 36 and 4 on Lot 37. Section 401.3 requires, in an R-4 zone, a minimum lot area of 900 square feet per unit in a conversion of a pre-1958 building to an apartment house. In order to construct the proposed project without variance relief, the area of Lot 36 would have to be 2,700 square feet and the area of Lot 37 would have to

be 3,600 square feet. Lots 36 and 37 each have an area of 2282.50 square feet. The Applicant therefore requires a variance of approximately 15% for Lot 36 and a variance of approximately 36% for Lot 37.

11. The Applicant proposes to retain, restore and rehabilitate as much of the two vacant row dwellings as can be salvaged, including retaining and repairing the facades.
12. The proposed new construction will incorporate all salvaged portions of the two decrepit row houses and will retain the original footprints of the old row houses.
13. Restoring, rather than razing, the salvageable portions of the row houses enables the Applicant to construct an apartment house, as opposed to a single-family dwelling or a flat. *See,* 11 DCMR § 330.5.
14. The Applicant has several immediate matter-of-right options. It can raze the existing dilapidated row houses and construct 2 new ones, a new flat, or a new detached single-family dwelling. It can restore the two subject row dwellings and construct two single-family row dwellings or a flat. *See,* 11 DCMR § 330. Also, because each lot has an area of 2282.50 square feet, the Applicant can convert the row dwellings into 2 individual units on each lot, with one unit being constructed for each 900 square feet of land area. *See,* 11 DCMR § 401.3.
15. If the lots are consolidated, creating one lot with an area of 4,565 square feet, the Applicant has another matter-of-right option. It can construct 5 units, with one unit being constructed for each 900 square feet of land area. *Id.*
16. The Applicant paid approximately $400,000 for the subject property.
17. The Applicant's cost of construction would be approximately $250,000 less if it razed the two subject row dwellings and engaged in entirely new construction.
18. The Applicant claims as its sole practical difficulty that no matter-of-right construction on the subject property incorporating rehabilitated portions of the existing structures is economically feasible.
19. The Applicant made no showing of whether matter-of-right construction incorporating rehabilitated portions of the existing row dwellings would be possible if changes were made in the construction, design or interior fittings of the new building.

Parking Variance

20. The Applicant is required to provide one off-street parking space for each 3 dwelling units. 11 DCMR § 2101.1.
21. There is no rear alley behind Lots 36 and 37, therefore their sole street access is their frontage on O Street, N.W.
22. Unrestricted on-street parking is available along the 500 block of O Street, N.W. and along 5th Street, N.W. near the subject property.
23. Two-hour RPP restricted parking is available on 6th Street, N.W. between 7:00 a.m. and 8:30 p.m.

24. The subject property is approximately 3 blocks from the Mt. Vernon Square -- Convention Center Metro Station and several major bus lines traverse 6th and 7th Streets, N.W. and New York Avenue, N.W., in close proximity to the property.

CONCLUSIONS OF LAW

Lot Area Variance

The Board is authorized to grant a variance from the strict application of the zoning regulations in order to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of any zoning regulation "would result in particular and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property...." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2. Relief can be granted only "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." *Id.* An applicant for an area variance must make the lesser showing of "practical difficulties," as opposed to the more difficult showing of "undue hardship," which applies in use variance cases. *Palmer v. D. C. Board of Zoning Adjustment,* 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: uniqueness of the property, that such uniqueness results in "practical difficulties" to the Applicant, and that the granting of the variance will not impair the public good or the intent and integrity of the zone plan and regulations.

The Applicant claims that Lots 36 and 37 are small and therefore unique. The lots, however, are not particularly small or narrow. In fact, although they contain very old structures and so, were created long before the 1958 adoption of the zoning regulations, they are not non-conforming as to lot width or lot area. The minimum lot area in an R-4 zone for a row dwelling or flat is 1,800 square feet. 11 DCMR § 401.3. Both Lots 36 and 37 are 2282.50 square feet in area. The minimum lot width in an R-4 zone for a row dwelling or flat is 18 feet. *Id.* Both Lots 36 and 37 are 20.75 feet wide.

Although the two lots are not unique due to their size, uniqueness analysis is not limited to the physical qualities of the land itself. It also includes qualities of the buildings on the property. *See, e.g., Capitol Hill Restoration Society v. Board of Zoning Adjustment,* 534 A.2d 939, 942 (D.C. 1987). ("A condition inherent in the structures built upon the land, rather than in the land itself, may also serve to satisfy an applicant's burden of demonstrating uniqueness.") Even so, it is not clear to the Board that the poor condition of the two subject row dwellings makes them unique. In fact, the row house attached to the western wall of the Lot 37 row dwelling appears to be in rather poor condition itself. Instead, the cost of the subject property, including the dilapidated shells, and the resultant rehabilitation and construction costs, are market-driven. Such market forces affect the entire neighborhood, not only the Applicant's lots, and therefore do not make those lots unique.

The Board also fails to see how Applicant's claimed practical difficulty results from the lots, whether unique or not. The Applicant asserts that the construction of either 5 units at 1,420 square feet each or 5 units at 1,050 square feet each results in a negative rate of return. According to the Applicant, it can only garner a positive rate of return with 7 units -- the scenario posited by the Applicant is 5 units of 1,100 square feet each and 2 units of 800 square feet each. *See,* Report of S. Patz Associates, Inc., attached to Applicant's Supplemental Response, filed with the Board on March 25, 2003. This alleged result, however, appears again to be due to market forces rather than any condition of the subject property. Further, Applicant's sole claim of practical difficulty is the added expense arising out of its desire to save portions of these eroded shells, yet the Applicant is not constrained to retain the shells. In order to erase its practical difficulty, the Applicant has but to raze the shells and build anew -- a scenario that by Applicant's own admission would be less costly. *See,* Transcript of Hearing, March 11, 2003, at 18-21.

This latter scenario would, however, also prevent the Applicant from building a multiple dwelling. The only way the Applicant can build a building with multiple units is if it retains the shells. In the R-4 district, the only multiple dwellings permitted are conversions of pre-1958 structures. 11 DCMR § 330.5(c). Therefore, in order to construct a multiple dwelling, the Applicant must retain the pre-1958 shells. Under this set of circumstances, the thing that is allegedly causing Applicant's practical difficulty -- the retention of the shells -- is also, in the first instance, allowing it to use the land in its allegedly most profitable manner -- for a multiple dwelling. The Applicant has chosen to keep the shells in order to make a more profitable use of the land, *i.e.,* a multiple dwelling. It cannot now be heard to complain that keeping the shells constitutes its practical difficulty, in essence, that it cannot afford the choice it has made, and so must be granted variance relief.

The situation might be different if the Applicant were not permitted to raze the structures, for example, due to historic preservation constraints. The Applicant is not, however, acting under any such constraints and therefore, has, in effect, created its own practical difficulty. It is unclear whether the concept of "self-created practical difficulties" is recognized in the context of area variances, as "self-created hardship" is recognized in the context of use variances.[2] It is clear, however, that this case is one where the Applicant is not deprived of the use of its land, but is merely seeking to garner a greater profit from the land. The Applicant has feasible alternative uses for the subject property and the Board is without power to grant a variance in order to guarantee it a greater profit. *See,*

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[2] *See, Russell v. Board of Zoning Adjustment,* 402 A.2d 1231, 1236, n.7 (D.C. 1979), and cases cited therein. *But see, De Azcarate v. Board of Zoning Adjustment,* 388 A.2d 1233, 1239 (D.C. 1978). In *De Azcarate,* the Court appears to agree with the Board that self-created hardship applies only to use variances. It ends its decision, however, by commenting that "the doctrine of self-created hardship, whatever its validity in this jurisdiction to area variances, is inapplicable on the facts of the present dispute." (Emphasis added.)

e.g., Tyler v. Board of Zoning Adjustment, 606 A.2d 1362, 1366-1368 (D.C. 1992); *Gilmartin v. Board of Zoning Adjustment,* 579 A.2d 1164, 1170-1171 (D.C. 1990).

There is no bright line test as to when an applicant's economic burden is sufficient to constitute practical difficulty. That determination is left to the Board, based on the evidence before it. *See, Tyler,* at 1366-1368; *Gilmartin,* at 1171. Based on the evidence herein, the Board is not convinced that, even while retaining portions of the run-down row dwellings, the Applicant cannot make a beneficial and profitable use of its land within the strictures of the zoning regulations. Therefore, the Board concludes that the Applicant failed to show sufficient economic burden to justify a finding of practical difficulty.

Having found no extraordinary or exceptional situation or condition or any practical difficulty, the Board does not need to reach the third variance test of no detriment to the public good or to the zone plan or regulations.

Parking Variance

Pursuant to 11 DCMR § 2101.1, the Applicant would have to provide one off-street parking space for each 3 dwelling units. The Board interprets this to mean that with either 4 or 5 units, the Applicant would have to provide 2 off-street parking spaces. The Board finds, that, under the facts of this case, the virtual impossibility of doing this makes Lots 36 and 37 unique and constitutes a practical difficulty. The decrepit shells of the two row houses have, essentially, no front yard, and even if the Applicant razed the shells and set back new construction, he would not be able to put parking spaces in the front yards. Section 2116.2 mandates that on-site parking spaces be located in garages, carports, side yards or rear yards. The Applicant cannot put parking spaces in the rear yards here, because there is no alley or street access to the backs of the lots. The rear yards of the two shells are surrounded by the rear or side yards of neighboring dwellings. There is no reasonable way to put parking spaces on these lots.

The lack of on-site parking spaces for Lots 36 and 37 will not have a detrimental effect on the surrounding community, nor on the zone plan or regulations. DDOT points out in its report that there is unrestricted on-street parking along the 500 block of O Street, N.W. and along 5th Street, N.W., as well as 2-hour RPP restricted parking on 6th Street, N.W., between 7:00 a.m. and 8:30 p.m. The site is also well served by mass transit, with several nearby bus lines and a metro station 3 blocks away. DDOT concludes that the Applicant's proposed construction will have a slight impact on the local on-street parking conditions, but will not cause any objectionable traffic conditions or a large increase in traffic volume in the neighboring streets. The Board agrees with DDOT's conclusions.

OP and ANC Great Weight

The Board, as required, accorded great weight to both OP's and the ANC's recommendations. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). The Board notes that OP, finally, but somewhat reluctantly, recommended granting the lot area variance based on the Applicant's Supplemental Response. *See,* OP Supplemental Report, at 2. ("OP does not feel that the applicant firmly establishes these linkages," *i.e.,* the linkages between construction costs and desired facade preservation rather than all new construction.) The Board does not find the Supplemental Response similarly persuasive and therefore, cannot agree with OP's recommendation. The Board agrees with OP's and the ANC's recommendations concerning the parking variance, but finds the ANC's recommendation with regard to the lot area variance unpersuasive when weighed against the evidence in the record and the applicable legal principles.

Based on the record before the Board and for the reasons stated above, the Board concludes that the Applicant has failed to satisfy the burden of proof with respect to the application for a variance from the minimum lot area requirements under subsection 401.3, but that the Applicant has met its burden of proof with respect to the application for a variance from the off-street parking requirements under § 2101. It is therefore **ORDERED** that the application be partially **DENIED, WITH RESPECT TO THE VARIANCE FROM THE MINIMUM LOT AREA REQUIREMENTS,** and partially **GRANTED, WITH RESPECT TO THE VARIANCE FROM OFF-STREET PARKING REQUIREMENTS.**

VOTE (as to lot area variance):	**1-3-1**	(Geoffrey H. Griffis, Carol J. Mitten, and David A. Zaidain, to deny; Curtis L Etherly, Jr., to grant; the fifth member not present, not voting.)
VOTE (as to parking variance):	**4-0-1**	(Geoffrey H. Griffis, Carol J. Mitten, David A. Zaidain, Curtis L. Etherly, Jr., to grant; the fifth member not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each voting Board member has approved the issuance of this Order denying in part, and granting in part, this application.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 10 2003

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT

TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16983

As Director of the Office of Zoning, I hereby certify and attest that on OCT 10 2003 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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rsn

ATTESTED BY: Jerrily Kress

JERRILY R. KRESS, FAIA
Director, Office of Zoning