▪ Application No. 16989 William T. and Norma G. Byrd

Previous Hearing Date: March 18, 2003

PRELIMINARY MATTER: The Board received a request for Party Status from Carlos Reeder that was not discussed at the March 18th Public Hearing. Mr. Reeder's request was filed late; it was received on March 17th, the day prior to the previous hearing.

RELIEF SOUGHT: Pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to allow office use within a two story row dwelling under section 330.5 at premises 714 10th Street, N.E.

ZONING:	**R-4 District [The records of the Office of Zoning indicate that the site is zoned R-4 as indicated on the Zoning Map.]**
SQUARE & LOT:	Square 912, Lot 72
OFFICE OF PLANNING:	**OP recommends DENIAL of the application. Exhibit No. 23.**
ANC 6A:	**The ANC is OPPOSED to approval of the application. Exhibit No. 25.**
PARTY STATUS:	**The Board granted Party Status to Marie-Claire Brown on March 18th.**
AFFIDAVIT OF POSTING:	**The property was posted and the Affidavit of Posting timely filed. Exhibit No. 24.**

NOTES:

At the previous hearing, the Applicants indicated that they bought the property to specifically use it for their management consulting business. They stated that the real estate agent, the Appraisal Report and all documents that they received and which are related to the site indicate that it is zoned for commercial use. The Department of Consumer and Regulatory Affairs informed the Applicants that the property is zoned for residential use and cannot be used for a commercial purpose when they applied for a Certificate of Occupancy. The Applicants indicated that the zoning discrepancy has created a tremendous hardship.

Case No. 16989
Exhibit No. 32
Board of Zoning Adjustment
District of Columbia
CASE NO. 16989
EXHIBIT NO. 32

After hearing the testimony, the Board determined that, in fact, there is inconsistency between the zoning designation of the site and the city's records. Three different zoning classifications were discussed and attributed to the site: R-4, C-2-B and R-5-D. The Board determined that additional research would be needed to clarify the site's zoning history and to decipher the correct zoning.

The Board scheduled the hearing to be **CONTINUED on APRIL 8, 2003,** afternoon session. The Board requested that the Applicants file the following information:

1. Tax Assessment records from the District government.

2. A revised Surveyor's Plat from a surveyor that is licensed in the District of Columbia. **[See Exhibit No. 31]**

3. Zoning Certification from the Office of Zoning. **[See Exhibit No. 31]**

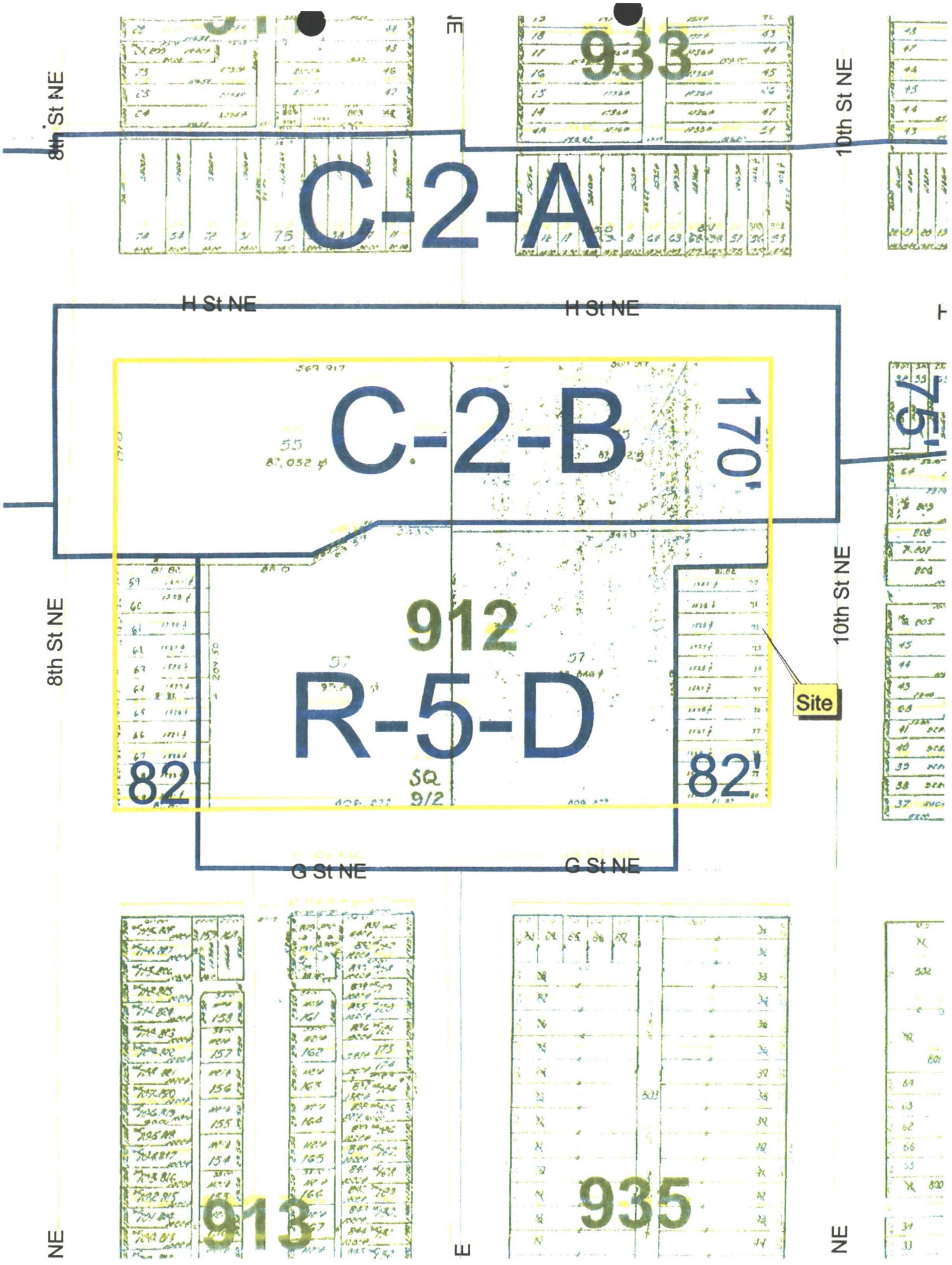
The Applicants also provided a zoning history of the subject square.

Letters of Opposition:

1. Mary E. Dilworth, Exhibit No. 22
2. Marvin Coles, Exhibit No. 21
3. Mary Kay Fannerella, Exhibit No. 26

Participating Board Members: Geoffrey H. Griffis, Anne Mohnkern Renshaw, David A. Zaidain, Curtis L. Etherly, Jr. and Anthony J. Hood.

The Applicant's attorney is Benny L. Kass/Richard P. Schmitt


8th St NE
10th St NE
C-2-A
933
H St NE
H St NE
C-2-B
170'
55
87,052 sf
912
R-5-D
SQ
912
82'
82'
8th St NE
10th St NE
Site
G St NE
G St NE
913
935