EXHIBIT "D"

BZA
Case No. 17021
Exhibit No. 14

Board of Zoning Adjustment
District of Columbia
CASE NO. 17021
EXHIBIT NO. 14

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16261 of Estelle Goldman, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to continue to operate a retail grocery/delicatessen store with basement storage as authorized by Board Order No. 15526, dated September 2, 1992, in the basement and first floor in an FBOD/R-3 District at premises 912 New Hampshire Avenue, N.W. (Square 28, Lot 122).

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HEARING DATE: October 1, 1997
DECISION DATE: October 1, 1997 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2A and to owners of property within 200 feet of the site.

As directed BY 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which as necessary to establish the case for a special exception pursuant to 11 DCMR 2003.

The site of the application is located within the jurisdiction of ANC 2A. ANC 2A, which is automatically a party to this application, submitted a draft management agreement and a resolution expressing support for the application provided that approval be limited to three years. The Board acknowledges the existence of the agreement and the applicant's willingness to sign the agreement with the time limit established by the Board.

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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 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 the application is **GRANTED, SUBJECT** to the **CONDITION** that approval shall be for a period of **THREE YEARS**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: 3-1 (Laura M. Richards, Betty King and Susan Morgan Hinton to grant; Sheila Cross Reid opposed to the motion).

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

ATTESTED BY: Madeleine H. Mansbach

FINAL DATE OF ORDER: NOV 12 1997

PURSUANT TO D.C. CODE SEC. I-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Ord16261/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16261

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 12 1997 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed blow:

Jerry Moore, III., , Esquire
Adam Smith, Esquire
Arter and Hadden
1801 K Street, N.W., Suite 400K
Washington, D.C. 20006

Arthur G. Tyler
949 25th Street, N.W.
Washington, D.C.

Bernard Mozer, Chairperson
Advisory Neighborhood Commission 2A
St. Mary's Court
725 24th Street, N.W.
Washington, D.C. 20037

Attested By: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

Date: NOV 12 1997

Attest/ljp