LEXSEE 749 A.2d 1258

DUPONT CIRCLE CITIZENS ASSOCIATION, ET AL., PETITIONERS, v. DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT, RESPONDENT, RICHARD T. ROSS, INTERVENOR.

No. 98-AA-801

DISTRICT OF COLUMBIA COURT OF APPEALS

749 A.2d 1258; 2000 D.C. App. LEXIS 99

October 26, 1999, Argued

April 27, 2000, Decided

COUNSEL:

[**1] Richard B. Nettler, with whom G. Brent Connor was on the brief, for petitioners.

Gus Bauman for intervenor.

Charles L. Reischel, Deputy Corporation Counsel, filed a statement in lieu of brief for respondent.

JUDGES:

Before REID and GLICKMAN, Associate Judges, and NEWMAN, Senior Judge.

OPINIONBY:

GLICKMAN

OPINION:

[*1259]

Petition for Review of a Decision of the District of Columbia Board of Zoning Adjustment.

GLICKMAN, *Associate Judge*: On April 15, 1998, the Board of Zoning Adjustment (BZA) held a public hearing and granted the application of intervenor Richard T. Ross for a special exception to operate Swann House Bed and Breakfast as a home occupation with nine guest rooms and two full-time non-resident employees. The application was supported by Advisory Neighborhood Commission 1C and a large number of neighborhood residents, including the abutting neighbors of Swann House. The application was opposed, however, by several neighborhood [**2] residents, including petitioner Israel Stollman. It was also opposed by petitioner Dupont Circle Citizens Association (DCCA), a civic association some of whose members reside within the vicinity of Swann House. Their petition for review in this court principally challenges the BZA's interpretation of the Zoning Regulations to permit a bed and breakfast to host a limited number of guest-sponsored social events as a so-called "accessory use." We uphold the BZA's interpretation and accordingly affirm its order granting the application for a special exception.

Swann House is a large "Romanesque Revival" mansion constructed between 1883 and 1910. The house is located at 1808 New Hampshire Avenue, N.W., between Swann and S Streets, and has been certified by the State Historic Preservation Officer of the District of Columbia as a historic building which contributes to the character of the Dupont Circle Historic District. The neighborhood surrounding Swann House is zoned D/R-5-B, a moderate density designation permitting the widest range of urban residential development and compatible institutional and semi-public buildings, as well as diplomatic chanceries. *See* 11 DCMR § § 350, 1001 (1995). [**3] The uses in the immediate vicinity include an embassy, fraternities and sororities, apartment buildings, hotels, private clubs and non-profit organizations, and rowhouses with either single-or multi-family occupancies.

Ross and his wife Mary L. Ross occupy Swann House as their principal residence. The house formerly was used as a rental apartment building. In 1996, the Department of Consumer and Regulatory Affairs (DCRA) issued Ross a home occupation permit to

Board of Zoning Adjustment
District of Columbia
CASE NO. 17079
EXHIBIT NO. 50A3

operate a bed and breakfast at Swann House. Questions arose, however, as to whether the DCRA had issued the permit in error, and Ross applied for a [*1260] new permit in early 1998. This time the Acting Zoning Administrator of DCRA denied the application on the ground that certain requirements of the regulations governing home occupations were not met, and Ross therefore would have to apply to the BZA for a special exception pursuant to 11 DCMR § § 3108.1 n1 and 203.10. n2 The Rosses applied for such a special exception on February 17, 1998.

n1 In accordance with *D.C. Code § 5-424 (d)* and (g)(2) (1994), the BZA is authorized in 11 DCMR § 3108.1 to grant special exceptions to the provisions of the Zoning Regulations "where, in the judgement of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps," subject to any special conditions stipulated elsewhere in Title 11. [**4]

n2 11 DCMR § 203.10 provides that a home occupation which is neither permitted nor prohibited by the regulations may be authorized as a special exception by the BZA as long as certain requirements are met. These requirements include compatibility with the residential neighborhood and the purposes and requirements of the home occupation regulations generally, with the proviso that no more than two of those requirements are modified to meet the needs of the applicant, and a limitation on the number of employees.

The Zoning Regulations set forth the requirements for home occupations in 11 DCMR § 203, and for home-based bed and breakfast operations specifically in subsection 203.8. Ross requested relief from only two of those requirements, a limitation on the maximum number of guest bedrooms n3 and a limitation on the number of non-resident employees. n4 The BZA found that this relief would be appropriate in view of the character of Swann House and the surrounding district and the needs of the bed and breakfast business, that it would not compromise the general purpose and intent of the Zoning [**5] Regulations, and that it could be granted without adverse impact on the neighborhood.

n3 The regulations provide that a bed and breakfast certified by the State Historic Preservation Officer as contributing to the character of an historic district may have a maximum of six sleeping rooms. 11 DCMR § 203.8 (c)(1). (Absent such a certification, no more than four sleeping rooms are allowed.)

n4 The regulations provide that no more than one non-resident shall be "engaged or employed in" a home occupation. 11 DCMR § 203.4 (d).

The heart of the controversy before the BZA concerned the Rosses' stated intention to permit registered guests to hold "small private social gatherings," such as weddings and other family celebrations, as part of the operation of the bed and breakfast. The Zoning Regulations do not address expressly the propriety of social events held at bed and breakfasts or, for that matter, at other uses permitted in residential districts (such as, for example, embassies, boarding houses, fraternities [**6] and sororities, private clubs, museums, churches and schools). The Rosses presented testimonial and documentary evidence that it is customary for bed and breakfasts to host social functions arranged by their guests as an incident of the business, and they offered to limit the number of such events to twenty-four a year and no more than five in any one month. They argued, and the BZA agreed, that this number of such guest-sponsored activities would be "customarily incidental and subordinate to" the bed and breakfast use, and thus permitted as an "accessory use." The term "use, accessory" is defined in 11 DCMR § 199.1 to mean "a use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use." As discussed *infra,* accessory uses not otherwise expressly authorized by the Zoning Regulations are permitted in residentially zoned districts, in accordance with 11 DCMR § 202.10.

In addition to the limit on the number of guest-sponsored social events held at Swann House, the Rosses offered to agree to other conditions to meet neighbors' concerns [*1261] about noise, parking and traffic problems that might be caused by social events at Swann House. [**7] With these limitations and conditions, the BZA found that the Rosses had satisfied their burden of proof and granted the Rosses a special exception to operate a bed and breakfast at Swann House. n5

n5 Specifically, the BZA granted the application for a special exception subject to the following conditions imposed to protect adjacent

and nearby properties pursuant to 11 DCMR § 203.10 (e):

1. Only registered guests of the bed and breakfast shall be permitted to host social events;

2. The number of social events shall not exceed 24 a year, with no more than five events in any one-month period;

3. No event shall begin before 9:00 a.m. and all events shall end by 11:00 p.m. Caterers shall not load or unload vehicles after 11:00 p.m.;

4. Outdoor music and amplified music is prohibited. An attendant of the bed and breakfast shall be on the premises at all times during social events to ensure that there are no disturbances to the neighborhood;

5. Guests of the bed and breakfast, including those attending social events, shall be required to use a valet parking service, which must park cars in nearby garages and not on the streets or in alleys; and,

6. The proprietors shall use their best efforts to ensure that the alley behind the property is not blocked at any time by anyone associated with the bed and breakfast.

[**8]

Petitioners challenge the BZA's predicate finding that hosting a limited number of guest-sponsored social events a year is permitted as an accessory use to the bed and breakfast use. Quoting the definition of an "accessory use" in 11 DCMR § 199.1, petitioners argue that a permissible accessory use must be customarily incidental and subordinate to the "principal use." Under the Zoning Regulations, however, home occupations such as bed and breakfasts are considered accessory uses; the principal use is deemed to be the residential use. *See* 11 DCMR § 203.1. Indeed, it was conceded, and the BZA found, that Swann House is "principally" used as the Rosses' residence and that the bed and breakfast use is "secondary." Therefore, petitioners reason, since the bed and breakfast use is only an accessory use and not the principal use, hosting guest-sponsored social events cannot be permitted as an accessory use to that use. Rather, petitioners contend, offering such "hospitality services" (as petitioners characterize them) constitutes in reality a second "home occupation." Petitioners argue that this second home occupation is impermissible because it is neither permitted expressly by the [**9] Zoning Regulations (as the bed and breakfast use is) nor "customarily incidental" to the principal, residential use of Swann House. Additionally, petitioners argue that, viewed as subject to the home occupation regulations rather than as a permitted accessory use, hosting social functions for guests would contravene several specific zoning provisions from which the Rosses have not been granted a waiver. n6 Moreover, petitioners add, to procure such a waiver the Rosses would have to apply for [*1262] a variance, which is more difficult to obtain than a special exception. n7

n6 Petitioners contend that to host catered social events held by guests at Swann House, the Rosses would need relief from the following provisions of the home occupation regulations: 11 DCMR § 203.10 (c) (no more than two persons who are not residents of the subject home shall be permitted as employees of the home occupation); 11 DCMR § 203.8 (b) (breakfast is the only meal that may be served at a bed and breakfast, and it may be served only to overnight guests); 11 DCMR § 203.4 (m) (no more than eight clients or customers are permitted to be on the premises of a home occupation in any one hour period); and 11 DCMR § 203.4 (n) (if more than one home occupation is practiced in a dwelling unit, the cumulative impact shall not exceed any of the standards set forth in § 203.4). Petitioners further suggest that Swann House may be barred from hosting social events by the prohibition in 11 DCMR § § 203.9 (a) and 721.2 (f) against operating a "catering establishment" as a home occupation. Given our disposition of this case on other grounds, we have no need to decide whether, absent the availability of the accessory use category, hosting social events for guests of a bed and breakfast would violate any of the cited provisions. [**10]

n7 Under 11 DCMR § 203.10 (d), any request to modify more than two of the requirements found in 11 DCMR § § 203.4 through 203.8 shall be deemed a request for a variance rather than for a special exception. "To obtain a variance, the applicant must demonstrate that an undue hardship or an extraordinary situation would result if the Zoning Regulations were applied." *Citizens Coalition v. District of Columbia Bd. of Zoning Adjustment, 619 A.2d 940, 948 (D.C. 1993); see* 11 DCMR § 3107.2; *D.C. Code § 5-424 (g)(3).*

The crux of the matter is thus whether the BZA reasonably interpreted the Zoning Regulations as permitting accessory uses to other accessory uses. "When

the BZA's decision turns on its interpretation of a regulation that agency is charged with implementing, that interpretation must be upheld unless it is 'plainly erroneous or inconsistent with the regulation.'" *Levy v. District of Columbia Bd. of Zoning Adjustment, 570 A.2d 739, 746 (D.C. 1990)* (quoting *George Washington Univ. v. District of Columbia Bd. of Zoning Adjustment, 429 A.2d 1342, 1348 (D.C. 1981))*. [**11] Petitioners' argument, predicated on a narrow reading of the definition of an accessory use contained in 11 DCMR § 199.1, is at first blush plausible. However the argument is undercut by the way that the term "accessory use" is actually employed in the Zoning Regulations. As the term is actually used, it supports the reasonableness of the BZA's interpretation.

Chapter 2 of Title 11 of the DCMR contains the regulations governing R-1 Residence District Use. Uses permitted as a matter of right, which include residential uses, are enumerated principally in 11 DCMR § 201. Section 202, entitled "Accessory Uses (R-1)," then lists in subsections 202.2 through 202.9 a series of specific uses which "shall be permitted as accessory uses in an R-1 district incidental to the uses permitted in this chapter." n8 Included in this listing are home occupations "as provided in and subject to § 203" (which includes bed and breakfasts, *see* § 203.8). n9 11 DCMR § 202.8. Notably, after listing these specifically identified, permitted accessory uses, § 202 states:

> 202.10 Other accessory uses customarily incidental to the uses permitted in R-1 Districts *under the provisions of this section*, [**12] including mechanical amusement machines that are accessory to uses specified in § 210, shall be permitted, subject to the provisions of § 2501.

(emphasis added). n10 Since the uses permitted "under the provisions of this section," *i.e.*, under § 202, are exclusively accessory uses, the natural reading of § 202.10 is that accessory uses customarily incidental to the specifically permitted accessory uses (including bed and breakfasts) shall be permitted. This conclusion holds even if the word "section" is construed broadly to encompass not only § 202 but also other sections in Chapter 2 of 11 DCMR. On the other hand, it is difficult to read the words "this section" in § 202.10 so as to *exclude* § 202, which is how they would have to be read to be consistent with petitioners' contention that accessory uses cannot be permitted as incidental to other accessory uses. n11

> n8 By virtue of 11 DCMR § 351.1, accessory uses permitted in an R-1 district are permitted in an R-5 district such as the Dupont Circle Historic District in which Swann House is located.
>
> n9 Other accessory uses listed in § 202 include physicians' and dentists' offices, child development homes, the provision of room and board, parking spaces, accessory apartment units and garage sales and similar sales activities. [**13]
>
> n10 The references in § 202.10 to § § 210 and 2501 pertain to an unrelated issue, namely the provision of mechanical amusement machines at colleges and universities located in residential districts.
>
> n11 We suppose that § 202.10 conceivably could be read in conjunction with the definition of accessory use in § 199.1 so as to permit accessory uses not otherwise identified in the regulations only if they are customarily incidental to *both* the principal use and an identified accessory use. Such a reading of § 202.10 strikes us as inferior to the most natural reading - indeed, as highly strained and implausible - and we are aware of no support for it. Most importantly, the abstract possibility of such a reading does not render the alternative interpretation adopted by the BZA an unreasonable one.

The definition of an "accessory use" set forth in 11 DCMR § 199.1 as a [*1263] use customarily incidental and subordinate to the "principal use" is not necessarily inconsistent with the natural reading of § 202.10. The term "principal use" is not defined in the Zoning Regulations. In the context of [**14] § 199.1 it is reasonable to understand the term to have been utilized simply to distinguish the accessory use from the more dominant use to which it is "customarily incidental and subordinate," without further intending that the more dominant use necessarily and in every case must be the *predominant* use of the property in question. This construction has the advantage of harmonizing the definition in § 199.1 with the actual usage of "accessory use" in § 202.10. n12

> n12 It is a well-established principle of statutory construction that different provisions within the same statute should be construed together, *see Flemming v. United States, 546 A.2d 1001, 1005 (D.C. 1988); Bicksler v. District of Columbia Dep't of Human Servs, 501 A.2d 1, 6 (D.C. 1985);* and a particular term should be assumed to have a consistent definition

throughout a statute, *see Carey v. Crane Serv. Co., Inc., 457 A.2d 1102, 1108 (D.C. 1983).*

The BZA's interpretation is not otherwise [**15] unreasonable. Petitioners evoke the specter that permitting a bed and breakfast to host catered social events for its guests under the guise of a § 202.10 "accessory use" will allow the Rosses to make an end run around the § 203 home occupation regulations and do indirectly what the regulations do not allow them to do directly. This concern is exaggerated. As the BZA observed, this court has upheld an interpretation by the Zoning Administrator that "the Zoning Regulations express no intent to prohibit any and all subordinate or occasional uses, even if outside the scope of the principal use." *Association for Preservation of 1700 Block of N Street, N.W. v. District of Columbia Bd. Of Zoning Adjustment, 384 A.2d 668, 673 (D.C. 1978).* The "end run" concern is addressed by the requirement that the purported accessory use must truly be customarily incidental and subordinate to a permitted use.

We conclude that the BZA's interpretation of the Zoning Regulations to permit as accessory uses activities that are customarily incidental and subordinate to accessory uses is reasonable and must be upheld. Further, the BZA's finding that the limited number of guest-sponsored social [**16] events allowed at Swann House by its order would constitute a truly accessory use *to the bed and breakfast use* is supported by substantial evidence and is not unreasonable or clearly erroneous. *Cf. N Street, 384 A.2d at 673* (Zoning Administrator testified that even if twenty percent of operation were devoted to accessory use, he would still consider that to be incidental usage for purposes of accessory use regulation). The BZA properly determined, therefore, that it could grant the Rosses' application for a special exception insofar as they needed modification of only two of the conditions enumerated in the home occupation regulations. *See* 11 DCMR § 203.10 (b). Finally, we are satisfied that the BZA carefully considered petitioners' concerns and the applicable zoning requirements and, by imposing the conditions it did, made a "reasonable accommodation" between the Rosses and their neighbors "which does not interfere with the legitimate interests of the latter," *Glenbrook Road Ass'n v. District of Columbia Bd. Of Zoning Adjustment, 605 A.2d 22, 32 (D.C. 1992),* and which otherwise complies with the requirements for granting a special exception. [**17] We therefore affirm the BZA's order.

So ordered.

8

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-64 (Rev. 10/89)

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
Zoning Division
614 H Street, N.W., Room 333
Washington, D.C. 20001

HOME OCCUPATION PERMIT

92-0020

Home Occupation Business: "Bed & Breakfast Services Six (6) Rooms)" NO: _____

DATE ISSUED: 10/11/91 EXPIRATION DATE: INDEFINITE

ISSUED TO: Gabor Stein

Name: "THE O STREET MANSION"

D/B/A/: 2018 O Street, N.W. Washington, D.C. 20036

ADDRESS: _____

SPECIAL USAGE: ☒ VARIANCE GRANTED: ☐

SPECIAL CONDITION(S): "PARKING WAIVER GRANTED"
"ONE (1) EMPLOYEE"

THIS PERMIT SHALL BE CONSPICUOUSLY POSTED ON THE ABOVE PREMISE AT ALL TIMES. IT IS VALID INDEFINITELY, UNLESS AN expiration date is stated ONLY for the purpose(s) indicated above, and is not TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in type of business, ownership of business, or part of the premises used thereof, will render this PERMIT VOID and a NEW PERMIT must be obtained.

Designee Gladys Mack /J.F.B.
Joseph P. Bottner, Jr., Zoning Division
Aubrey H. Edwards,
Acting DIRECTOR

1-0980 wd-330

DCCA 65

[redacted]
BLRA-46
(10/85)
0-0320

Department of Consumer [redacted] Regulatory Affairs
Building and Land Regulation Administration
Zoning Division
614 H Street, N.W., Room #333 Washington, D.C. 20001

APPLICATION FOR HOME OCCUPATION PERMIT

Date: September 24, , 19 91

INCOMPLETED APPLICATIONS WILL NOT BE PROCESSED!

INFORMATION ABOUT THE APPLICANT

All when ready

-96-1936

(91-0A36)

)-9

'92-0020

p. 9

(1) The type of application being filed is (Check appropriate line)

a. _____ Sole Proprietorship with principle residence to be used for business activities.

b. _____ Partnership with one member using his/her principle residence for business activities.

c. _____ License profession other than a doctor of medicine or dentistry, i.e. CPA, Lawyer, Real Est.

d. _____ Corporation with one member's principle residence to be used for business activities. (Identify corporate member in question #2)

e. _____ Group of individuals not incorporated (Identify group member in question #2).

f. _____ Tutoring service

g. X _____ Bed and Breakfast Facility

(If you checked "b" list name of partner(s) and address(es).)

_____

_____

_____

(If you checked "c" above, a copy of your license to practice your profession must be attached. If "d", a copy of the Corporation document must be attached. If you checked "e", list Group's Name and complete Item #2, using the Name of the Person whose principle residence will be used for the business activity.)

GROUP NAME: THE "O" STREET MANSION

(2) Applicant's Name: Mr Mrs Stein, Gabor
(Last) (First) (M)

(3) Social Security NO.: [redacted] - [redacted] - [redacted]

(4) Address: 2018 "O" Street, NW, Washington, DC 20036
(Number) (Street Name)

(5) Is this your *principle* residence? (Check One) Yes X No _____

(6) Telephone Number. (Home) 202-659-8787 (Work) --

(7) Number of people living with you? (Adults) 1 (Children) 1

(8) Relationship to you of Individual(s) living in your dwelling (Check appropriate lines)

Spouse _____ Children _____ Parent(s) _____ Brother(s) _____.

Sister(s) _____ In-laws _____ Other Helper (1)

(9) Are you physically handicapped? Yes _____ No XX (If "Yes", complete Item #10.)

(10) Does the nature of your handicap require any special equipment necessary to assist you in rendering the proposed business service(s)? Yes _____ No X
(If you checked "Yes" briefly describe the special equipment.)

N/A

IF ADDITIONAL SPACE IS NEEDED TO COMPLETE ANY QUESTION(S)
PLEASE GO TO PAGES 4 AND 5

INFORMATION ABOUT THE BUSINESS

(11) What is the nature of your proposed business? (Please give a *detailed description* of your proposed business activity. Do not make general statements such as the need for your business, or how great it will be for the general public.)

A 6-Room Bed and Breakfast facility providing/offering breakfast only to guest on a daily basis.

(12) Are you presently operating any type of business service from your dwellin : Yes ____ No X (IF "Yes" please explain if different from p: d business; if no different write "Same as Above").

(13) How will you secure clientele? (Detailed explanation)

Telephone; telephone directory listings; referrals and word of mouth.

(14) Will the proposed business result in the creation of a product? Yes ____ No X (IF "Yes" briefly describe the product.)

(15) What kind of materials will be used in the business? (Please list all including chem_al comp. .nds, etc.)

The Bed and Breakfast will not utilize any special materials or equipment other than normal household furnishings.

(16) How will the business be operated, and what are the hours of operation?

a. Full-time X Part-time ____

b. Between the hours of 12:00a.m. to 12:00 p.m.

(18) If you checked "g" of Item #1, please complete items #18 and #19. if not applicable write N A.

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How many sleeping rooms will be made available for overnight guests? _____

(19) How many meals will be served per day? Breakfast Only

(20) How many people will you employ?

Relative(s) ____ Others 1 Total number of employees 1

(21) How many vehicles will be used in connection with the proposed business. excluding your personal vehicle? 0

(22) What equipment will be used to operate the business. i.e. adding machine. typewriter, etc.? (Please list equipment to be used.)

Typewriter, telephone, adding machine, fax machine, and computer

(23) How many daily trips will be made to the premises by the following people?

a. Clients N/A b. Employee(s) ____ c. Delivery ____

d. Visitors ____ e. None ____

(24) What type of parking will be provided? Historic parking waiver has been obtained

a. Off-Street X b. On-Street ____ c. No parking ____

(25) Will there be a sign posted on the premises? Yes X No ____
If "Yes" describe the placement of the sign on the premises. the exact information on the sign. and size of the sign.)

A 144 sq. in. brass sign, flush mounted near or on door -- "THE "O" STREET MANSION"

INFORMATION ABOUT THE PREMISES

(26) Your possession of the premises is as (Check appropriate line)

a. Owner X b. Owner with Tenant(s) ____

c. Sole Tenant ____ d. One of the Tenants ____

(27) If you checked "b", how many Tenants do you have? N/A

(28) Is there any business service presently being conducted by any Tenant(s)?

Yes ____ No X Don't know ____

(29) If you checked "c" or "d" above. does the property Owner concur with the use of the property for the proposed business? Yes ____ No ____ (If "Yes", complete Items #30 thru 33). N/A

(30) Owner's Name N/A
(Last) (First) (MI)

(31) Owner's Address N/A
(Number) (Street Name)

(32) N/A
(City) (State) (Zip Code)

(33) Owner's Telephone Number: AC ( ) N/A

(34) What is the total square feet of the dwelling to be used in the business (excluding basement or any accessory structure such as a garage)? Total square feet 1,798
(Give the total square footage of the entire dwelling; basement or garage not included.)

(35) What percent (%) of the total square footage will be used in the home occupation business? N/A sq. ft.

(36) Where on the premises will materials (if any) used in the business be stored? (List location(s), if not applicable write N/A.)

N/A

(37) Will there be any *exterior* modifications (Architectural or Structural) made to the premises? Yes X No ____ (IF "yes" briefly describe the modifications.)

Steel Balcony off back of building (Permit #B349653)

(38) What kind of *interior* modifications will be made to the premises? (Check appropriate line(s))

a. Electrical X b. Plumbing X c. Structural X

d. Other ____ e. None ____

(IF you checked a, b, c. or d. briefly describe the extent of the modifications.)

Upgrading plumbing and electrical system, and adding an elevator (Permit #B349653)

ADDITIONAL SPACE FOR ANSWERS:

Write the number to which each answer applies.

2018 "O" Street has already received a Bread and Breakfast Home Occupation permit (#91-0286).

2018 "O" Street has also received a parking waiver under Section 203.8, etc.

ATTESTATION AND SIGNATURE

I certify that the information provided on this application is true and correct to the best of my knowledge. I further certify that I understand that any information provided, pertaining to the type of business that I propose to conduct which is found to be *false*, will result in this application being voided.

Name of Business Service to appear on permit (If applicable)

THE "O" STREET MANSION

(202) 659-8787

(Daytime Telephone Number)

Gabor Stein

(Applicant's Name (print))

Gabor Stein 7/5/

(Applicant's Signature) (Date)

DO NOT WRITE BELOW THIS LINE

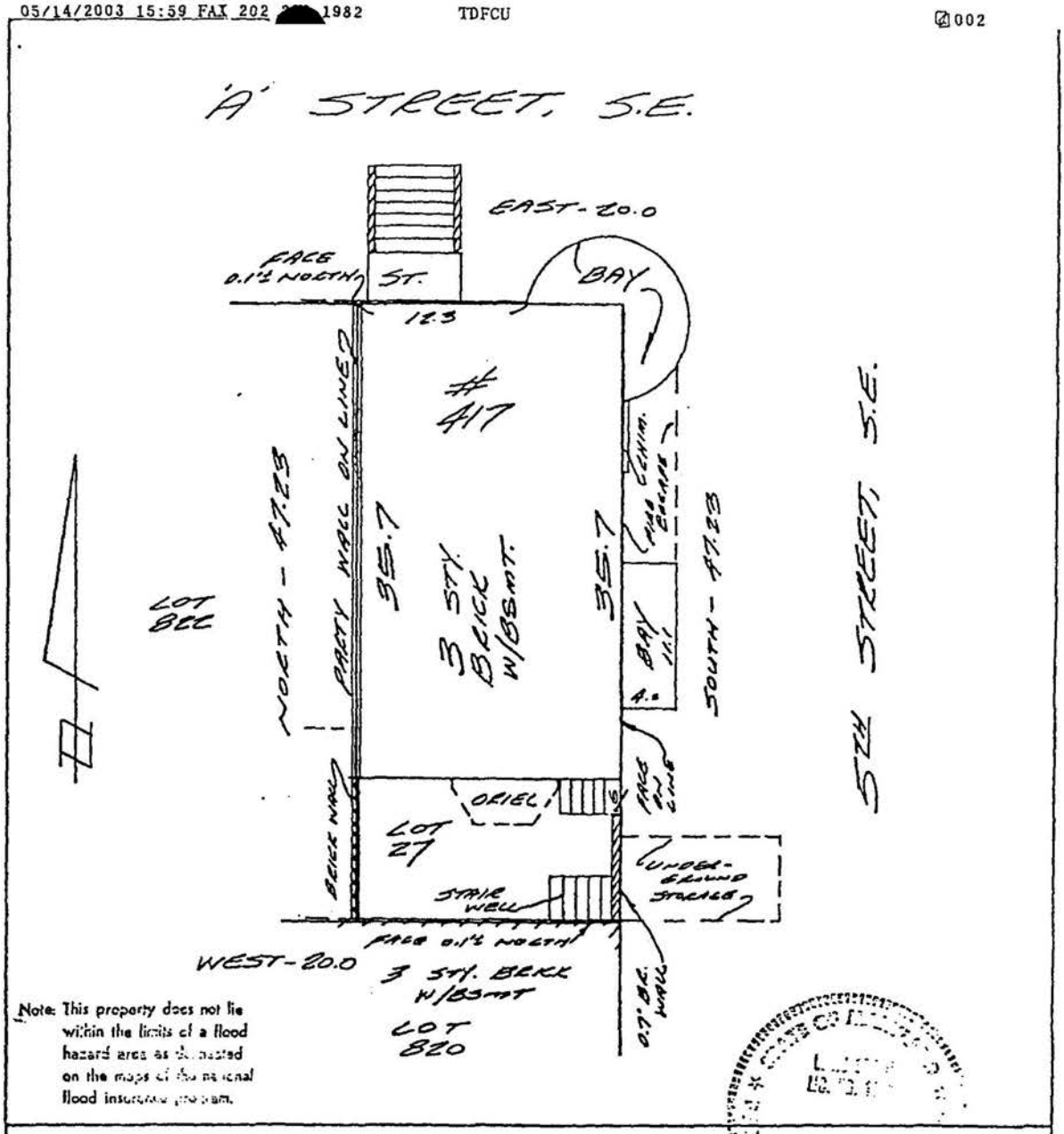
OFFICE USE ONLY

APPLICATION STATUS:

_____ APPROVED: Pursuant to DCMR TITLE—11 ZONING, Chapter 2, Sections 202 ACCESSORY USE (R-1) and 203 HOME OCCUPATION (R-1), the Zoning Administrator has determined that the Applicant has met all of the conditions necessary for the issuance of a Home Occupation Permit, based on the information provided in this application and the administrative review process.

_____ DENIED: Pursuant to DCMR TITLE—11 ZONING, Chapter 2, Sections 202 ACCESSORY USES (R-1) and 203 HOME OCCUPATION (R-1), the Zoning Administrator has determined that while the Applicant appears to have met all of the conditions necessary for the issuance of a Home Occupation Permit, the proposed business is *inconsistent* with the general purpose and intent of the zoning regulations for the following reason(s):

9



Note: This property does not lie within the limits of a flood hazard area as designated on the maps of the national flood insurance program.

CAPITOL SURVEYS

NOTE: This drawing is not intended to establish property lines nor is the existence of corner markers guaranteed. All information shown hereon taken from the land records of the county or city in which the property is located.

HOUSE LOCATION

LOT – 27 SQUARE – 818

DISTRICT OF COLUMBIA

Recorded in Liber – 21 Folio – 67 Scale 1" = 10'

I hereby certify that the position of all of the existing improvements on the above described property have been established by a transit tape measurement and that unless otherwise shown there are no visible encroachments.

LOUIS COHEN
Registered Land Surveyor
Maryland No. 1961

DATE: MARCH 30, 1990 CASE: 90-641 FILE: 36145

10









Dining Room



Parlor



Virginia Room



Bishop Room

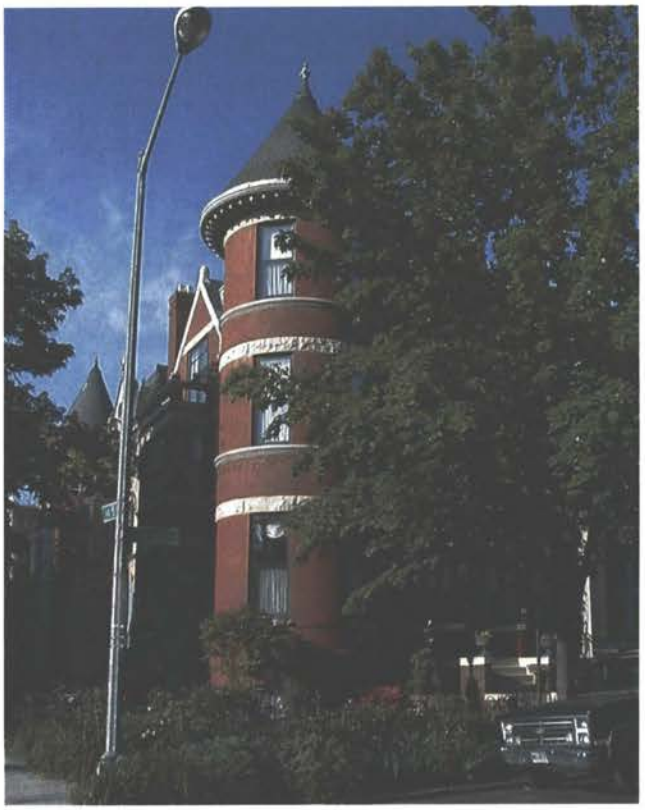


Library Room



Garden Room









11

Formatted for AVERY 5161 & 5261 Labels

RAYMOND PRINCE
506 E CAPITOL ST NE
WASHINGTON, DC 20003-1141

WILLIAM I MARTIN
409 A ST SE
WASHINGTON, DC 20003-3806

MARK L PHILLIPS
417 A ST SE
WASHINGTON, DC 20003-3806

DAVID J DUBOIS
C/O CHATEL REAL ESTATE
3210 N ST NW
WASHINGTON, DC 20007-2829

ROBERT A SEWARD II
111 5TH ST SE
WASHINGTON, DC 20003-1123

STEPHEN C LAWLOR
120 4TH ST SE
WASHINGTON, DC 20003-1012

ANNE F DONOVAN
118 4TH ST SE
WASHINGTON, DC 20003-1012

JEROME D ROSENBERG
116 4TH ST SE
WASHINGTON, DC 20003-1012

NORA M MANNING
1756 SWANN ST NW
WASHINGTON, DC 20009-5535

HAROLD E ENGLE
411 A ST SE
WASHINGTON, DC 20003-3806

S R ANDRULIS
113 5TH ST SE
WASHINGTON, DC 20003-1123

RICHARD M SCHMIDT
115 5TH ST SE
WASHINGTON, DC 20003-1123

ROBERT LOFTUS
117 5TH ST SE
WASHINGTON, DC 20003-1123

JEROME M SEGAL
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JANICE F DELANEY
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S A SAULS
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MORTON TOOLE
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RICHARD F ROONEY
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JOHN T CORRIGAN

MARY B TEWALT
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T J POHL
ET AL
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RAYMOND PRINCE
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LAWRANNE STEWART
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Administrator

October 31, 2002

Mr. Mark Phillips
417 A Street SE
Washington DC 20003

Ref: Bed and Breakfast at 417 A Street SE

Dear Mr. Phillips:

This is in response to your e-mail dated October 17, 2003 regarding a bed and breakfast at the referenced address. You raise several questions in your letter, which I will address as presented.

1. You request copies of a petition and other correspondence in the possession of the Department of Consumer and Regulatory Affairs (DCRA) regarding this matter. I have referred a copy of your e-mail to Robert Henry, DCRA Freedom of information officer, to be processed as a request under the Freedom of Information Act. You will receive a response directly from Mr.Henry.

2. You state your intention to continue to advertise the availability of four sleeping rooms in your bed and breakfast so that guests will have a choice as to which room they occupy. You also state that no more than two rooms will be used on any given day. We accept your statements that you will limit your bed and breakfast as required. However, you were informed in my October 10, 2002 letter, if you proceed to accommodate patrons in more than two sleeping rooms, you will be in violation of your permit and DCRA will take enforcement action to revoke your Home Occupation Permit (HOP).

3. You are correct in stating that the additional parking requirements for the bed and breakfast were waived by the Historic Preservation Division of the Office of Planning (on June 4, 2002).

4. You ask whether a previous certificate of occupancy (C of O) from 1967 can be applied to the bed and breakfast. Please note that the bed and breakfast is authorized through a HOP), not a C of O. As such, a previous C of O is irrelevant and of no advantage to you.

5. You inquired as to the process for seeking a special exception from the Board of Zoning Adjustment (BZA). There are two available routes: you may submit an

HOP application for a bed and breakfast with four bedrooms, after which you will receive a letter from the Zoning Administrator that refers you to the BZA; or you can file directly with the BZA. For more information, you can call the BZA at 727-6311.

You may call me at 442-4455 if you have additional questions.

Sincerely,

Noble

Denzil Noble
Deputy Administrator

cc: Theresa Lewis
J. Gregory Love
Robert Kelly

#151260

Attn:

Richard

Nettler

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Introduction

Capitol Hill is the very special neighborhood that adjoins the grounds of the United States Capitol and its supporting institutions. It is a neighborhood that reflects all that is America. From its earliest days the Hill has been home to the rich, the poor, the artisan, the laborer, the descendants of the *Mayflower*, and the newly arrived immigrant. It is also where these residents have built their businesses, churches, schools, and fraternal organizations, as well as other institutions that help a community to thrive. The buildings in the Capitol Hill neighborhood are visible reminders of the essence of that history. While every Capitol Hill building has its own complete history, each of those individual histories also points to what America has been and what it is today. The history of Clergy House at 417 A Street, S.E. in Square 818 is one of Capitol Hill's American stories.

The Empty Land

From the beginning to 1842

During America's colonial era, all of the land that now comprises Capitol Hill was farmland. Its settlement began at the end of the seventeenth century when Maryland's population expanded north along the rivers in search of new land. The new farms imitated earlier ones down river. Each farm contained several hundred, sometimes more than a thousand acres and tobacco and slaves constituted their economic base. These farms persisted on all the land we now know as Capitol Hill until 1790. When the city of Washington, D.C., was created on paper in 1790, George Washington persuaded landowners within the proposed city limits to embark on an adventure fraught with financial peril. In exchange for the complete release of their properties to the federal government, the landowners would receive the following:

> a plat of their land showing it divided into streets and city squares, with specified lot and alley dimensions, and grounds to be reserved for public buildings and parks;
>
> payment for half of the lots created in squares located within their original land boundaries;
>
> and assignment back to the owners by the federal government of the other half of the lots that the owners could then sell or retain as they and the market dictated.

In addition, the agreement stipulated that owners would not be compensated for the portion of their land that was set aside for streets, alleys, public buildings or grounds. It also precluded fenced-in large scale agricultural endeavors and effectively eliminated the only occupation other than "gentleman" that most of the owners had.

Through this process, surveyors platted Square 818 and its original lot divisions. William Prout, who owned the land from which the square was carved, was not typical of the city's original proprietors. Most were members of families who had owned the land for generations and who were part of the established elite. They included members of Maryland's distinguished Carroll family and Robert Peter, into whose family George Washington's step-granddaughter married. Although Prout has received little attention from chroniclers, past or present, he achieved perhaps the most successful adaptation to the new capital city of any of his contemporaries.

Born circa 1755, Prout became a respected Baltimore merchant. He moved to the District of Columbia shortly after 1790 and established a general merchandise store in Georgetown. By 1795, he advertised that business for sale and relocated on Capitol Hill near his wife's ancestral home. Prout's acquisition of Capitol Hill land and his marriage appear to be strongly linked.

Sarah, who was the daughter of Jonathan and Ann Slater (variously spelled), married William Prout some time prior to 1798. About 12 years younger than her husband, she evidently grew up on her family's farm. The Slater family had owned the tract since the mid-1700s and it spread from what became the Navy Yard section of Capitol Hill northwestward toward the site of the Capitol itself. Whether before or after his marriage to Sarah has not been determined, but Prout acquired her father's property interest in the Federal City prior to July 2, 1791.

William and Sarah Prout established their home near both the old Slater residence and the newly created Washington Navy Yard. William then opened a mercantile and dry goods store to serve the Navy Yard and Marine Barracks neighborhood. He also took his

community responsibilities seriously enough for his neighbors to elect him to Washington's first and fourth city councils. Christ Church Episcopal on G Street, S.E. still stands on land which Prout donated to the parish of which he and his family were members. In addition, Prout served as a trustee of the poor, an official city position.

During the 1790s, Prout signed the Division Agreements that transferred his land to the federal government. He did so only after one of the surveyors for the Commissioners of the District of Columbia had signed off on the final inked version of the plats. Only then were the square and lot boundaries considered "official."

City surveyors first platted Square 818 into lots in 1793. The plat plan that Chief Surveyor James Dermott filed with the commissioners labeled a large parcel on the southwest corner of the intersection of Fifth and A Streets, S.E. as Lot 11. It was one of the lots in the square that the government returned to Prout. He continued to own the lot until his death. By 1824, the tax assessor listed "Prout's heirs" as the owners of Lot 11 and showed it as unimproved.

Several years passed before Prout's property was divided among his heirs. Once the division was complete circa 1829, Prout's son William received Lot 11 in Square 818 as part of his inheritance. The new owner held the lot for about a decade, then sold it to a medium scale speculator, who sold it piecemeal. During this period, buildings on Capitol Hill hugged the skirts of the Capitol and the front gate of the Washington Navy Yard down by the Anacostia. A crescent of buildings swept south and east toward the Anacostia to connect the two during the early 1800s. The area was so uninhabited, however, that organized horse races were run along East Capitol Street between Fourth and Eleventh Streets as late as the 1840s. The next owner of 417 A Street, S.E.'s lot built a house and moved into it, thereby joining those who were pushing the inner curve of the crescent of Capitol Hill buildings a little more to the north and east.

First Improvements on the Lot

Phoebe Lowe, owner-occupant

On October 22, 1841, Phoebe Lowe paid $50 for the east 20 feet of Lot 11. Lowe was born in Prince George's County, Maryland about 1805. Her father's name is unknown; her mother's was Charity Lowe. Registration papers of "Free Negroes" in Prince George's County indicate that Phobe was born free, a condition that the law required by virtue of her mother's manumitted status at the time her daughter was born. By 1841, still more than twenty years before the end of slavery, Phoebe Lowe was part of Washington's growing contingent of free blacks. Lowe was tiny, a mere 4'11" tall. Her registration papers state that she had a dark complexion. Indeed, it was dark enough that census takers listed her as "black" rather than "mulatto." Another distinguishing mark was a barely perceptible scar on the right side of her face that resulted from a burn.

Lowe could not read or write and listed her occupation with the census taker as a "washer". Still, she possessed the acumen to amass money, select and buy a lot, and have a two-story frame house and two outbuildings constructed on it. The quality of those buildings was such that as late as 1860 the tax assessor valued them at $700, a sum that was slightly above average for modest frame buildings on Capitol Hill. Maps of the 1850s and early '60s show that the house occupied the east portion of Lot 11 and that a sizable outbuilding projected out into Fifth Street. The fence that surrounded the property suggests that Lowe, like many of her neighbors, "kept" chickens or even a cow.

A man named Jeremiah Lowe also lived on the premises. Censuses of that era do not explain relationships, so his relationship to Phoebe is uncertain. As he was considerably older than she, he may have been her father. Jeremiah Lowe worked as a laborer as

did at least one other man who lived in the house in 1850. Others who were of the appropriate ages to have been brothers and sisters, daughters, and grandchildren also lived there.

The Civil War

When the Civil War began in 1861, Washington had the reputation of being a sleepy Southern town. Although it didn't completely change the city's image, the Civil War did initiate urban-like residential patterns in Washington, patterns that ultimately influenced development on Capitol Hill. Three distinct factors led to the changes: location, population, and transportation.

Perhaps first and foremost, the war drew attention to the Hill. The U.S. Capitol and its surrounding environs were the focus of national, indeed international, attention throughout the war. Across First Street, N.E. from the Capitol, "The Old Brick Capitol" of the post-War of 1812 period served as a Federal prison. Some of the war's most notorious prisoners were incarcerated there: southern spies, contrabands, Union military and civilian traitors, all of whom attracted the notice of the Washington press corps. Then, a little more than a mile to the east the Union Army constructed one of its largest temporary hospitals, one most easily reached by traveling slong East Capitol Street.

A second factor which influenced post-Civil War development on the Hill was Washington's first public transportation system, a system which began during the War. Until then people who did not own horses and carriages had preferred to live close to their work places, and to go to churches, schools, and shops located within walking distance of their residences. By the Civil War's end Washington's infant streetcar system linked the Navy Yard, Capitol, White House, and Georgetown. The streetcars made commuting a possibility for the first time in the city's history. The 400 block of A Street, S.E.'s position within an easy walk of the Capitol was enhanced by streetcar routes that ran along Pennsylvania Avenue, S.E. and East Capitol Street.

Finally, Washington experienced phenomenal government and private sector population growth during the war. The initial influx of the military settled into tent cities and temporary barracks, but Washington's wartime arrivals soon swelled available housing to the bursting point. Few permanent buildings were constructed during the war itself. Wheelers and dealers, on the other hand, assumed the growth would not only be permanent, but would continue to accelerate. They therefore speculated in undeveloped land. Although some of that speculation focused on Capitol Hill, it did not immediately involve Lot 11, Square 818.

The Gilded Age of the 1870s

As late as 1873 the south side of the 400 block of A Street, S.E. contained only two frame dwellings and their assorted outbuildings. These belonged to Lowe and to her abutting neighbors at the eastern corner of the block. Two brick buildings and a few frames dotted the rest of Square 818.

In contrast to the modest-sized population on Square 818, Washington's population continued to grow. The initial growth can be attributed to the war's aftermath. Newly arrived veterans, widows, and orphans sought pensions or jobs. War-time profiteers came to press for continuation of their contracts. Their intensive lobbying efforts inspired Mark Twain's classic *The Gilded Age* and established a pattern of influence peddling that hasn't stopped. To house the expanding government departments and new agencies such as the Pension Bureau, the government had to construct new office buildings. Their construction required additional laborers, craftsmen, and artisans; men who, with their families, fre-



John W. Bayne, M.D.

quently became long-term Washington residents. Thus the new buildings to contain the expanding government led to new jobs in both the government and private sectors, to increased population density, and to the need for more goods and services for the growing population. Through this process, building sites near Lot 11 on Square 818 began to be developed. As late as the 1887 Hopkins atlas of the city of Washington, Lot 11 still contained frame buildings. On that part which is now Lot 27 stood Phoebe Lowe's frame dwelling and two frame outbuildings. Within five years they would all disappear.

A NEW HOUSE

John W. Bayne, M.D., owner

On August 15, 1892, John W. Bayne, M.D. applied for a building permit for 417 A Street, S.E. Bayne was born in 1846 at "Salubria", the family's ancient estate near St. Barnabas in Prince Georges County, Maryland. Bayne's ancestors included his great-grandfather, Major Andrew Leitch, an aid of the staff of George Washington during the Revolution; and his father, John H. Bayne, a U.S. Army surgeon who was breveted a lieutenant colonel during the Civil War.

Bayne's early education took place in the country schools near his home. He subsequently matriculated at the University of Mayland and graduated in 1868 with a degree in medicine. After college Bayne entered the U.S. Army Medical Corps and served as post surgeon at Fort Foote, on the Potomac, for nine years.

In 1872, Bayne married Mae Ashby of Fauquier County, Virginia. The Baynes had five daughters and one son. The relationship between Bayne and his wife was such that he stated in his will that he had "the fullest confinence" in her wisdom and "her affection for our children." As a result he conferred upon her full power to manage and dispose of his estate, including the power to sell, transfer, and convey absolutely any of his real or personal property for the family's best interest This power also extended to deciding whether or not to distribute his personal property among their children. As a rule, men of Bayne's time and stature either limited their wife's authority or denied it altogether by imposing an outside trust officer. Thus, Bayne paid his wife the ultimate compliment.

Seven years after they married the Baynes moved to Washington, where he was appointed a surgeon in the District police and fire service. He affiliated with the medical staff of Providence Hospital, which at the time was located on Capitol Hill between Third and Fourth, D and E Streets, S.E. By 1885 Bayne had been elected president of the board of the hospital, a position he retained until his death 20 years later. Bayne's medical ability led to appointments as: professor of clinical surgery at Georgetown University Hospital; a member of the visiting staff of the Episcopal Eye, Ear, and Throat Hospital; and of the staff of the Eastern Dispensary and Casualty Hospital, which were forerunners of the now defunct Capitol Hill Hospital.

By the mid-1880s Bayne was investing in Washington real estate, both as a purchaser and as a lender to developers such as the prolific builder Charles Gessford. Bayne

recorded some deeds in his own name and others in his wife's. The latter practice was a convenient method that men of Bayne's era used to protect their investments in the event that they defaulted on deeds of trusts or were sued for financial damages due to their business practices. Most of Bayne's purchases were in the southeast portion of Capitol Hill. On some, he either rehabilitated existing buildings or had new ones built. Among the properties he amassed were 100 Fifth and 116 Second Streets, S.E.

Bayne was active socially as well as professionally. He was a member of the Masonic order and the Society of the Sons of the American Revolution. At the beginning of the twentieth century, he served as the latter organization's local president and as its national organization's vice president general.

Early in the Spanish-American War, President McKinley commissioned Bayne as a major and brigade surgeon, then placed him in charge of a large hospital at Chickamauga. At the close of the war Bayne returned to Wahsington and resumed his medical practice. Although Bayne had lived on Capitol Hill early in his career, by the 1890s he and his family moved to the then highly fashionable residential neighborhood of the 1100 block of Connecticut Avenue, N.W. Still, some of his allegiance remained with Capitol Hill. In particular, he continued his active role in the affairs of Providence Hospital.

On May 17, 1905, Bayne died at home of suffocation attributable to a "throat disease" from which he had suffered for about a year. Both the Washington *Post* and the *Evening Star* newspapers published the news of Bayne's death and the *Star* accompanied its article with his photograph.

The family initially made funeral arrangements that called, in the fashion of the day, for a simple service at home. They chose John Bayne's cousin, the Reverend Arthur Johns from Christ Church Espicopal on Capitol Hill to officiate. Due to the number of people who wanted to attend the funeral, the family relented and moved the service to St. Thomas' on Eighteenth Street, N.W. Nonetheless, Johns conducted the service. Leading members of Washington's medical profession served as honorary pallbearers, with friends and family members as active pallbearers.

Newspapers reported that as no railroad or steamboat connections were available, Bayne's body was taken by carriage to the old St. Barnabas Church in Prince Georges County. He was buried in the church yard near where he spent his boyhood. In fact, both Bayne and his father before him had supported the church to keep it from becoming a "silent church" and Bayne was a vestryman of St. Barnabas at the time of his death.

The exact date that Bayne acquired all of Lot 11 is problematic. The acquisition took him several years to complete as the lot had been sold piecemeal, without adequate surveys, during the 1840s. Equity cases and quit claim deeds were part of the scenario by which he finaliy gathered all of the pieces of original Lot 11. Once he had them in hand he filed a subdivision plan for Lot 11, plus several other lots, with the D.C. Surveyor's Office. Lot 27 at the corner of Fifth and A Streets, S.E. was part of the subdivision plan.

Over a period of approximately five years, Bayne invested in the construction of several houses on the subdivided lots. Although he usually speculated in two houses at a time, Bayne undertook only one single-family dwelling when he developed Lot 27. The permit by which the house at 417 A Street, S.E. took shape reveals some significant details. For instance, it indicates that Bayne was interested in quality design and craftsmanship for the new residence. It states that Bayne chose T. F. Schneider as his architect and Samuel J. Prescott as his builder, a pair of formidable names in Washington's turn-of-the-century building industry.

Thomas Franklin Schneider, architect



Thomas Franklin Schneider, architect

Other documentation shows Schneider's given and middle names written as Thomas F. and more frequently as T. Franklin. An architect and frequent speculator, Schneider was active in Washington real estate development for about 45 years. He was born in Washington, D.C. in 1859 to parents who had emigrated from Germany as children. As adults, his parents established a successful printing business and became prosperous members of Washington's sizable German-American community.

Schneider graduated from the Washington public school system in 1875 when he was 15 and began his architectural training that same year. His use of the term architect to describe his profession does not mean that he was an academically trained architect. Rather, it indicates that he was part of the long tradition by which apprenticeships led to a professional career. Schneider participated successfully in that tradition during its waning years, concurrent with efforts by academically trained architects nation-wide to tighten the requirements necessary to become a member of their profession.

Schneider served his apprenticship in the office of Cluss and Schulze. Adolph Cluss was an important architect in post-Civil War Washington. From 1862 to 1867 he headed the municipal office of public works. For more than a decade he was responsible for the design and construction of almost every public building erected by the city government, including Eastern Market. In his public capacity he had the option to undertake the projects himself or to contract them out. In most instances, he provided the design.

In addition to filling his public position, Cluss conducted a flourishing private practice. For example, his firm received a private commission for the Portland Flats, the city's first apartment building. The design was produced during T. F. Schneider's apprenticeship, an experience the young architect would draw on in later years. The broad spectrum and the abundance of work during the eight years that Schneider worked with Cluss and Schulze provided him with the exposure and experience he needed to begin a successful career of his own. In 1882, at the tender age of 23 Schneider borrowed $500 and established his independent practice at 929 F Street, N.W.

Schneider was not only ambitious. He also possessed a keen sense of business that led to both a successful architectural practice and real estate development format. Six years after he founded his firm, the *Evening Star* newspaper ran a profile of him and designated him "the young Napoleon of F Street." The November 5, 1889 article notes that the previous Saturday Schneider paid $175,000 for a row of vacant lots on Q Street between Seventeenth and Eighteenth Streets, N.W.. Schneider planned to use the lots, which occupied the entire front of the square, for a new speculative venture, one which was across Q Street from 30 pressed-brick houses which he had completed the previous year.

The newspaper chronicled his speculative beginnings with the design, construction, and sale of a single house and noted:

> He has kept on building and selling, putting his profits into other buildings. . . . Good judgment in buying lots, taste and

ingenuity in planning, the architectural features of the residences and business ability to keep his money moving, gathering profit as it rolled, have made him one of the solid men of the city. He is a young looking man, with a slight mustache, and a modest retiring air, but he certainly is what the Westerners call "a Hustler."

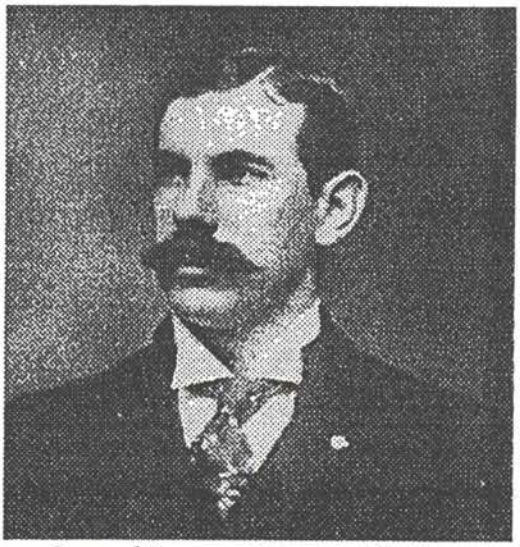
Part of Schneider's business acumen bore fruit in printed form. In 1893, after ten years of private practice, Schneider published a book of photographs and 15 renderings that depicted his work. Advertisements purchased by his subcontractors supported the book, titled *Selections from Work of T.F. Schneider, Architect, Washington, D.C.* Among other buildings, it featured his row houses on Q Street; the Forest Inn at Forest Glen, Maryland; his own 50-room house at Eighteenth and Q Streets, N.W.; and the soon-to-be-constructed Cairo.

Schneider was one of the few Washington architects who was influenced by architectural giant Louis Sullivan's personal style. In 1894 Schneider created an exotic effect with his design for the Cairo Hotel at 1615 Q Street, N.W. There his grand arched entry was derived from Sullivan's design for the Golden Doorway of the Transportation Building at the 1893 World Columbian Exposition in Chicago. Schneider also combined Romanesque elements with low-relief arabesque details executed in the "East Indian" manner for the Cairo's facade. Because Schneider called for the Cairo to be 165' tall, it became the city's tallest private building as well as its first steel-framed "skyscraper." Local authorities and Congressmen considered its height to be excessive and used it as the stepping stone to the imposition of city-wide height restrictions in 1910.

In spite of the excitement generated by the Cairo, Schneider seldom strayed far from popular styles. For example, he drew extensively on the Richardsonian Romanesque palette as the basis for his residential designs of the 1890s and mastered the Beaux Arts style for many of his apartment house designs.

Most of Schneider's design work was done in conjunction with his own financial investments. Still, for projects such as 417 A Street, S.E. he served an affluent clientele that was spread across Washington. Until 1894, the bulk of Schneider's work consisted of single-family houses. With a date of 1892, Schneider executed his design for 417 A Street, S.E. at the top of his form for that category of building. From 1894 on, however, he focused almost exclusively on apartment buildings. Many of his buildings, which were located primarily in Georgetown, Capitol Hill, the Dupont Circle area, and Kalorama, still stand.

Schneider retired as an architect in the 1920s, but continued to manage his large real estate holdings. He died after a brief illness in 1938. His second wife, a son and two daughters survived him.



Samuel Jenness Prescott, builder

Samuel Jenness Prescott, builder

By 1903, Samuel J. Prescott, as he usually signed his name, was one of Washington's best-known builders. He bridged the transition between the time when a "builder" was a person who had more hands-on knowledge of his craft than business expertise and the era that began about

1900 when many builders didn't know how to use the craftsmen's tools, but were expert at the organizational and business end of contracting and construction.

Prescott was born on a New Hampshire farm in 1867 to Samuel W. and Emma Jenness Prescott of Belknap County. He attended public school at Weirs and Manchester and graduated from Pittsfield Academy. In 1882, Prescott began the trade of house- and bridge-framing, with most of the heavy construction being hewn and framed in the New Hampshire woods. He then took up general carpentering and building construction and in 1886 moved to Washington to pursue his trade.

While working in Washington, Prescott studied engineering and mechanical drafting and followed those classes with a course in architecture and architectural designing. He capped his studies with a special course in technology. From 1888 to 1890 Prescott travelled throughout the nation to study the best specimens of architecture and intricate construction.

Prescott returned to Washington in 1890 and launched his general building and contracting business. He built residential, commercial, and light industrial buildings. The ever-chary Chritian Heurich, of Washington brewery fame, even selected Prescott to build a large brewing plant in Norfolk, Virginia.

Prescott affiliated with the Washington Board of Trade, the Buiness Men's Association, and the Master Builders' Association. He served as president of the latter as well as in several offices in the various Masonic orders of which he was a member. In 1891, Prescott married Ida A. Alling of Palmyra, New York. The Prescotts had three daughters and they lived in the newly fashionable area of Columbia Heights.

The House at 417 A Street, S.E.

The exterior of the semi-detached dwelling at 417 A Street, S.E. retains much of its original fabric. Few alterations have been made to its exterior, even though it was adaptively reused as a rooming house for a number of years. The house is well above average in the prestige of its owner, architect, and builder. Still, Schneider's design for the exterior of the house falls within the parameters of style, materials, and scale that were appropriate for a late nineteenth century row house of its class on Capitol Hill.

The building measures 36' from sidewalk to the highest point of its roof and stands three stories plus English basement high. Schneider used a round tower and slate mansard roof to strengthen the building's role as a visual anchor for its corner site. Pressed bricks constitute the street facades while common brick form its rear walls. The pressed bricks' hard smooth surfaces, the double hung sashes with large single panes of glass, and the use of brick and metal for the cornice all indicate the height of middle-class fashion for the 1880s. Perhaps even more significantly, they reflect the expanding capabilities of America's industry to mass-produce items such as large sheets of glass that previously been in the category of a luxury item. Brick, instead of wood, construction coupled with metal ornamentation demonstrate nineteenth-century America's increasing efforts to protect property values and lives through the use of fireproof materials.

The round-headed configuration of the doorway and the pair of windows above it as well as the general massing of the building attest to Schneider's affinity for the Romanesque palette. The visual diversity which chimneys and the tower add to the roof line plus the rear's first story oriel evoke the Late Victorian Queen Anne style. Still other details, such as the bands of denticulation, the doorway's fan light, and large elaborately carved keystone and corner blocks were derived from the colonial revival style that was emerging as the national favorite.

Numerous stone carvers and an abundance of master brickmasons worked in Washington during the late nineteenth century. In all likelihood Schneider instructed the stone carvers to use the acanthus leaf motif for their work at the doorway, but left the finishing details to their discretions. Brickmoulders' catalogs offered a wide variety of decorative bricks from which the architect could choose. For example, the hemisphere dot bricks which form the surround of the fan light represent one of the most popular styles of the period.

The brick and stone pediment that projects above the Fifth Street side projecting square bay is a variation of a popular Washington rowhouse characteristic. Ordinarily, the triangularly shaped element surmounts a front facade bay window and its field contains highly ornamented brickwork. In this instance, the pediment's field is plain, but the blocks at the ends of the triangle's base are elaborately carved. Paint obscures the patina of the pressed brick and the intricate detailing of the stone carving. It also precludes visual confirmation of the type of stone Schneider chose for the building.

The House's People

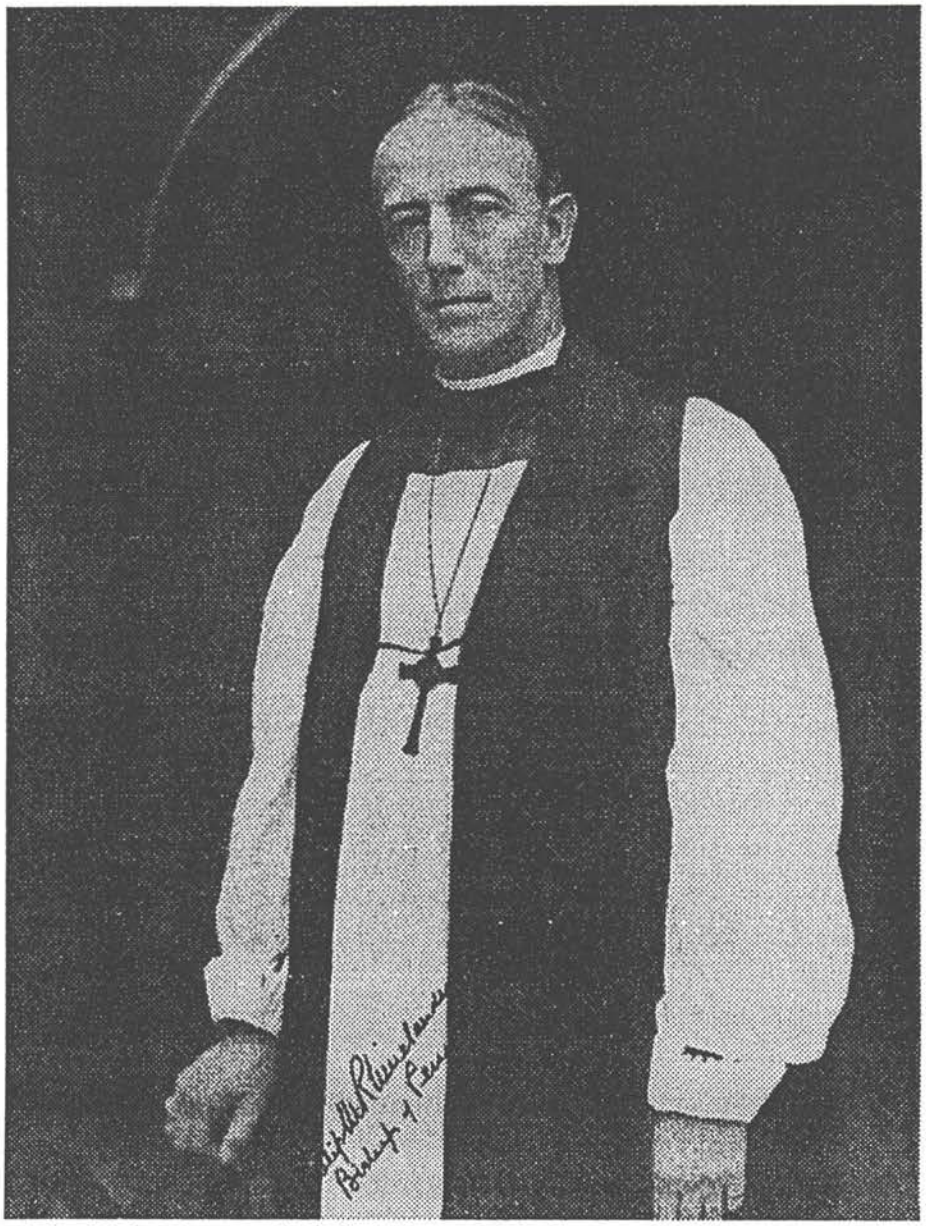
The Clergy

Members of the bishop's staff of the *Pro Cathedra* for the Washington Diocese of the Episcopal Church moved into 417 A Street, S.E. in 1896. As such, they were some of the house's earliest residents. Just how the house became the clergy's home is unclear. Perhaps it stemmed from its owner's generosity in maintaining the old St. Barnabas Church or perhaps it was under the auspices of Bayne's cousin, the Reverend Johns. Whatever the reason, the building was large, handsome, new, and in close proximity to St. Mark's, which had been selected as the *Pro Cathedra* while the initial portions of the National Cathedal at Mount St. Alban were under construction.

Bishop Satterlee did not live at 417 A Street, S.E., but two of the staff he selected to reside there emerged as significant religious leaders. They were, however, still very young when they moved into Clergy House. In fact, the only resident who was older than 30 was Sophie R. Martin, the 50-year old housekeeper for the contingent of bachelor clergymen. The Reverend William L. Devries, a native of Maryland was at 30, the oldest of the clerics. Charles H. Hayes, from New Jersey, arrived in 1896 at 28 years of age and New Yorker Philip Mercer Rhinelander was a mere 25 years old when he arrived the same year. Over time, other clergy and other servants lived with the group, but this was the nucleus.

The residence served as Clergy House for a little less than a decade, but this period was perhaps its most illustrious. Certainly, the most famous people associated with the house to date lived there during its association with the *Pro Cathedra*. Hayes and Rhinelander each became nationally known religious authorities.

Charles Harris Hayes was born in Newark, New Jersey on September 1, 1868. His parents were Charles and Caroline Rosamund Orton Hayes. Hayes was well educated, with a B.A. from Columbia in 1890, an M.A. from Columbia the following year, and the rank of a Columbia fellow from 1890-92. He graduated from General Theological Seminary in 1894 and spent the academic year of 1894-95 in Berlin and Halle, Germany. In 1895-96 he attended Oxford University. He was awarded his Bachelor of Divinity in 1897 while living at Clergy House. The Bishop of Maine summoned Hayes to be his personal chaplain in 1900. Hayes moved again in 1901 to become an associate professor of philosophy at Trinity College in Hartford, Connecticut. He moved next to General Theological Seminary as a professor of Christian apologetics. While there he authored *Bible Lessons on the Creed* and earned his Doctor of Divinity in 1907. Hayes, a Democrat, never married. He died in New York City in 1910.



The Right Reverend Philip Mercer Rhinelander, D.D., LL.D., D.C.L.
Bishop of Pennsylvania

Philip Mercer Rhinelander eclipsed Hayes' career by rising to the position of bishop. Rhinelander, who is remembered with admiration by some of Washington's older Episcopalians, lived at 417 A Street, S.E. throughout its history as Clergy House. Although some sources give his birthplace as New York, Rhinelander apparently was born in Newport, Rhode Island in 1869 His parents were Frederic William and Frances Davenport Skinner Rhinelander. Historians and biographers describe the family as one "of privilege."

Philip M. Rhinelander earned two B.A. degrees, the first from Harvard in 1891 and the second from Oxford immediately before he arrived at Clergy House. He was ordained a deacon in 1896 and a priest in 1897. From 1896 through 1903 he was in charge of St. Mark's, organized the Chapel of the Good Shepherd in northeast Washington, and served at St. Alban's Parish. He left Washington in 1903 for the Berkeley Divinity School in Middletown, Connecticut. There he served as professor of ecclesiastical history, homiletics, pastoral theology and Christian evidences. While he was in Connecticut he married Helen M. Hamilton, a direct decendant of Alexander Hamilton, and they had three children.

The Rhinelanders moved to Cambridge, Massachusetts in 1907. He spent the next four years as professor of the history of religion and missions at the Episcopal Theological School there. He earned his Doctor of Divinity degree from the school at the same time. Following his stint in Cambridge, Rhinelander was consecrated the coadjutor Bishop of Pennsylvania in 1911 and became the seventh Bishop of the Pennsylvania Diocese the following year. He remained there until November, 1923 when he resigned because of a heart condition which limited his activities.

Rhinelander's ill health did not preclude further ecclesiastical work, however. He and his wife moved to Washington and established their home in a million-dollar mansion at 1702 Rhode Island Avenue, N.W. He became a trustee of Washington Cathedral in 1923 and helped to establish the Cathedral's College of Preachers in 1924. He then served as the first warden of the College of Preachers until 1937. Rhinelander wrote five books, the most unusual title of which is *Religion in War-Time.* He also is the subject of a biography. Written by Henry Bradford Washburn, *Philip Mercer Rhinelander[:] Seventh Bishop of Pennsylvania and First Warden of the College of Preachers,* was published in 1950.

More Tenants

Throughout the period that 417 A Street, S.E. served as Clergy House, its first owner John W. Bayne was still alive. Even after Bayne died in 1905, the house remained in the possession of his wife Mae Ashby Bayne. She retained the house until 1920 and continued its use as rental property throughout her time as its sole owner.

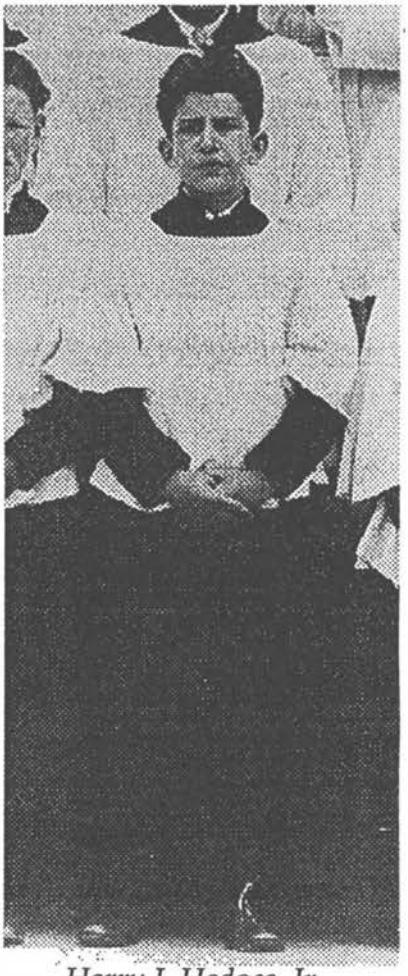
During the 15 years between its service as Clergy House and its first owner-occupant family, 417 A Street, S.E. was home to numerous tenants. Exactly how many will never be known. As a rule city directories listed only the "head of household" and perhaps one or two other adult residents. A case in point was Ida M. Ballard who lived in the house from 1914 until circa 1916. Ballard, a widow, had two sons who were mariners. Presumably they spent most of the year at sea, but still they were listed at their mother's address. Given the size of the house and the necessity of the times for most widows, even genteel ones, to obtain extra money, Ida Ballard may have tried her hand at "taking in" one or more roomers. Regardless, in 1917 Annie B. Smith, who was another widow, followed Ballard as the primary tenant. The J. Randolph Grove family was the next and last of Mae A. Bayne's tenants. The Groves lived in the house during 1918 and 1919 and presumably they had a better cash flow than the widows before them. The father of the family was a machinist at the nearby Navy Yard and in the boom times of World War I, the Navy Yard provided not only a regular wage, but ample opportunity for overtime pay.

Harry J. and Florence Virginia Hodges, first owner-occupants

Harry J. and Florence Virginia Thomas Hodges bought 417 A Street, S.E. on June 8, 1920. He was a native of Kemp, England and she grew up in Paeonian Springs, near Leesburg, Virginia. Harry was a fine china packer for Kann's Department Store in downtown Washington and his wife Virginia, as she preferred to be called, ran a rooming house in the couple's new home. When she first came to Washington, Virginia worked at the old Congressional Hall Hotel which stood on the site of the Rayburn House Office Building. The Hodges were active members of St. Mark's Episcopal Church at Third and A Streets, S.E.

The Hodges had two sons, Robert W. and Harry J. Hodges, Jr. The latter was born in 1922 and as Robert W. committed suicide in the early 1980s, Harry, Jr. provided most of the family information. Like many babies of that era, the boys were born at home. Throughout his life Harry, Jr. always told people that he was born in Bishop Rhinelander's bedroom, a reference to the local traditions that the Hodges learned when they bought the house.

Harry, Jr.'s ties with St. Mark's were perhaps the strongest in the family. He was blessed with two distinctive attributes, a beautiful voice and a mass of ringlets that earned him the nickname "Curly" or "Curly Top". While he was in his early years of grammar school he auditioned successfully for the St. Mark's Boys' Choir. As a young man he served as crucifer for several years, then made the transition to the Men's Choir when his voice matured.



Harry J. Hodges, Jr., St. Mark's choir boy

The Hodges saw to it that their young sons got solid scholastic as well as religious training. The boys attended Wallach Elementary and Hine Junior High Schools, then graduated from Eastern High School. In the belief that all members of the family were responsible for its financial welfare, his parents encouraged the boys to begin gainful employment at an early age. Harry started in 1929, at the tender age of seven.

Harry's first job was on Saturdays, pulling his red wagon loaded with groceries from Eastern Market to his neighbors' homes. His diligence and ability to get along with people impressed Edward Frazier, the owner of a butter, cheese, and egg stand inside the market. When Harry was about eight, Frazier hired him to work at the stand by carrying orders home for the customers and generally learning the business. Along with other tricks of the trade, Frazier taught the young boy how to do sums in his head, a feat Harry carried with him into his adult life.

Between his after-school and Saturday job, choir practice two and three nights a week, and church on Sunday, Harry, Jr. had few opportunities for unrestrained play. As a result, St. Mark's summer camp for members of its boys' choir particularly appealed to the young boy. Not only did he escape from the un-air conditioned environment of Washington in the 1930s, Harry, Jr. enjoyed enormously the opportunity to spend a week or so with virtually no responsibilities except swimming and other recreational activities.

In 1939, Harry, Jr. went to work at the Washington Navy Yard. He continued to work on Saturdays at Eastern Market, however. At least part of the attraction was young

Esther Noll. Her parents owned a large florist business that operated inside the market. Esther and Harry married during World War II, just before Harry Hodges, Jr. entered the U.S. Marine Corps. After the war, Harry, Jr. and his brother joined Capitol Hill's Naval Lodge #4, F.A.A.M. Harry became particularly active and held numerous Masonic offices..

Post-World War II Changes

Like the post-Civil War era the years which followed World War II brought cross-currents of change. The Hill had enough late-eighteenth and early-nineteenth century buildings to catch the eye of the city's mid-twentieth century restorers. By 1949, for example, Justice William O. Douglass bought one of Capitol Hill's historic houses. Early restoration efforts coincided with major changes in the Hill's demography. Long-time middle-class black and white Hill families died out or moved away. Many of those moved away were lured by suburbia, tract houses, VA loans, and civil rights decisions. Low-income families displaced by the Southwest Urban Renewal project moved into public housing on the Hill's fringes or older run-down houses that had not yet been purchased for restoration. The Hill also lost its major blue collar employer when the Navy Yard stopped producing weapons. Through all of the changes Florence Virginia Hodges remained in the family home on A Street, S.E. Both of her sons survived World War II and after the war ended they established their families in suburban Maryland. First Harry, then Robert joined Naval Lodge #4, the historic Capitol Hill lodge of Freemasonry that was chartered in 1805. Harry Hodges, Sr. retired, then died in 1948, but Virginia continued to run the rooming house for almost two more decades.

When their mother died in 1965, neither Robert W. and Harry J. Hodges, Jr. was interested in moving back to the home place or in keeping it as rental property. They therefore offered 417 A Street, S.E. for sale. In 1966, Ellis C. and Vannie Stewart, who recently had moved to Washington from Alabama, became the property's next owner-occupants.

Ellis C. and Vannie Stewart

Ellis Cameron Stewart was born in Columbus, Ohio, in 1902, but grew up in Montgomery, Alabama. There he met Vannie Lamar, who was originally from Texas. Ellis and Vannie married in 1924, raised their son Ellis, Jr. in Montgomery, and remained there until 1962. Vannie, along with her responsibilities as a wife and mother, owned and operated a women's clothing shop. Ellis, Sr.'s career included stints as director of the Alabama Department of Records and Reports and chairman of the Governor's Committee on Employment of the Physically Handicapped. During World War II, Ellis wrote editorials for the Montgomery *Advertiser*. He also worked for the Office of Price Stabilization and served as executive director of the Alabama Waterways Development Board.

In 1961, when the Stewarts moved to Washington, he went to work for the Office of Emergency Planning. He remained there until joining Senator John Sparkman's staff in 1964. Two years later, he and Vannie purchased 417 A Street, S.E. from Florence Virginia Hodges' heirs. By 1970, Stewart had become Senator John J. Sparkman's Executive Secretary. Throughout her years in Washington, Vannie pursued the traditional role of wife and homemaker.

Ellis Stewart typifies the person who moves to Washington as part of its professional contingent. Many of those who have called the Capitol Hill community their home have made a solid contribution while they lived here. In similar fashion, Ellis Stewart and his wife Vannie shared their many talents with the Hill. The most visible of their efforts was the beautiful garden that Vannie created on the lawn around their home at 417 A Street, S.E.

Sources

Sources used are extremely varied and widely dispersed. They include manuscript records at the National Archives such as U.S. census material and D.C. division sheets, building permits, and tax records; emancipation records of Prince Georges County, Maryland at the Maryland State Archives; manuscript will and probate records at the D.C. Archives; the private files of Washington Perspectives; published material housed in the D.C. Martin Luther King, Jr. Public Library's Washingtoniana Room and Biography Collection; plats and maps located in the Maps and Geography Division and newspapers filed in the Periodicals Collection at the Library of Congress; published and unpublished material at the headquarters of the Historical Society of Washington; oral history records of various Capitol Hill groups; and statistical data and National Register nominations at the District of Columbia's Historic Preservation Division.

About the Author

Ruth Ann Overbeck is an American social historian, the co-author of *Houses and Homes: Exploring Their History*, which is published by the American Association for State and Local History and is in its third printing. Other works include *The National Capital Bank: Its First 100 Years*, essays about the Capitol Hill and Deanwood communities in *Washington at Home*, and the exhibit and catalog *"in a workmanlike manner..." The Building of Residential Washington, 1790-1900.*

She founded Washington Perspectives, Inc., one of the nation's oldest public history firms, in 1975 and was a contributing author to the college textbook *Public History*, now in its third printing. She also is a contributing author to the college textbook *Industrial Archaeology*, which Krieger Press has scheduled for publication in 1994.

In 1988, Overbeck was the first female elected to membership in the Kiwanis Club of Capitol Hill and she became the club's first female president in 1991. She is active in numerous community and professional organizations and was a 1992 recipient of the Capitol Hill Community Service Award.

Both her office and her home are on Capitol Hill. She is married to artist and photographer Robert J. Hughes and they have a surrogate son, Andre Taylor, who won a Project Excellence four-year college scholarship in 1991.

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PROPERTY INFORMATION

10) Property: **417 A ST SE, WASHINGTON DC 20003-3806 C016**

APN:	**0818-0000-0027**	Tax Code:	**01**	Use:	**SFR**
County:	**DISTRICT OF COLUMBIA, DC**	Prop Tax:	**$4,961.00**	Total Value:	**$516,870**
Census:	**66.00**	Tax Yr: **2003**	Delinq:	Land Value:	**$113,290**
Map Pg:	**02-0212**	Exemptions:		Imprv Value:	**$403,580**
Neighborhd:	**9**			Assd Yr:	**2003**
Subdivision:	**JOHN W BAYNE'S**			% Improve:	**078%**
Phone:				Owner Vest:	/ /
Owner:	**PHILLIPS MARK L**				

Mail: **417 A ST SE; WASHINGTON DC 20003-3806 C016**

Owner Transfer = Date: **06/07/2001** Price: **$136,573** Doc#: **51258** Type: **DEED (REG)**
05/31/2001

SALE & FINANCE INFORMATION

	LAST SALE	PRIOR SALE	
Record/Sale Date:	**12/08/1998**	**10/28/1997**	
Sale Price/Type:			
Liber/Folio:	**94381**	**69437**	
Deed Type:			
1st Mtg Amt/Type:	**$404,000**	**$48,500**	**CONV**
Rate/Type/Term:	**6.87** / /		
Lender:	**BANK OF AMERICA FSB**		
2nd Mtg Amt/Type:			
Rate/Type/Term:	/ /		
Title Company:			
Seller:			
New Construction:			

Other Last Sale Info = # Parcels: Type 2: Pend:

SITE INFORMATION

Zoning:	**R4**	Acres:	**0.02**
County Use:	**013**	Lot Area:	**927**
# Bldgs:	**1**	# Res Units:	**1**
Legal Blk/Bldg:	**0818**		
Legal Lot/Unit:	**0027**		

Legal Desc:

IMPROVEMENTS

Gross Area:	**2,533**	
Bldg/Liv Area:	**3,382**	
Bsmt Area:	**849**	
$/SF:		
Bedrms:	**4**	
Ttl Baths/Fixt:	**3.00**	
Yr Built/Eff:	**1890**	**1954**
# Stories:	**3.00**	
Fireplace/#:		
Ext Wall:	**BRICK**	
Int Wall:		
Roof Type:	**FLAT**	
Roof Matl:		
Roof Frame:	**METAL**	
Roof Shape:	**FLAT**	
Heat Fuel:		
Heat Type:	**HOT WATER**	
Parcel Fuel:		
Floor Cover:	**HARDWOOD**	
Air Cond:		

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Washington, DC , 1998-99 - 0818-0000-0016, Sheet: 1 of 1