

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18267 of Creative Hands Massage and Therapies LLC, pursuant to 11 DCMR §§ 3104.1, and 1202.2, for a special exception for a massage establishment, skin care and physical therapy under section 731, in the CAP/C-2-A District at premises 513 Capitol Court, N.E., (Suite 200) (Square 754, Lot 121).

HEARING DATE: October 25, 2011

DECISION DATE: October 25, 2011

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 3.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 6C, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a letter, dated October 17, 2011, in support of the application. The ANC noted that at a duly noticed and regularly scheduled public meeting on October 11, 2011, with a quorum present, the ANC voted unanimously (6:0:0) to support the application. (Exhibit 32.)

The Office of Planning (“OP”) submitted a report in support of the application. (Exhibit 31.) The Architect of the Capitol submitted a letter stating that the application is “not inconsistent” with the intent of the CAP/C-2-A District. (Exhibit 29.)

Gary M. Peterson, Chairman of the Capitol Hill Restoration Society Zoning Committee, testified in support of the application. A letter of support by Angelique C. Bella was received on July 14, 2011. (Exhibit 5.) Additionally, the applicant submitted two letters of support from neighbors at the hearing. (Exhibits 35 and 36.) No letters of opposition were received by the Board.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under §

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18267

EXHIBIT NO. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.18267
EXHIBIT NO.39

BZA APPLICATION NO. 18267
PAGE NO. 2

3104.1 from the strict application of the regulations pertaining to § 1202.2 and § 731. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 1202.2, 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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED**.

VOTE: **5-0-0** (Meridith Moldenhauer, Nicole C. Sorg, Anthony J. Hood, Lloyd L. Jordan, and Jeffrey L. Hinkle to approve.)

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

The majority of the Board members approved the issuance of this order.

ATTESTED BY:

RICHARD S. NERO, JR.

Acting Director, Office of Zoning

FINAL DATE OF ORDER: NOV 01 2011

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX

BZA APPLICATION NO. 18267
PAGE NO. 3

DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.