

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 30, 2009
Petition Date: December 14, 2009
Hearing Date: December 28, 2009

License No.: ABRA-083222
Licensee: Assab Corporation
Trade Name: B & V Market
License Class: Retailer's Class "B"
Address: 1304 N. Capitol Street, N.W.
Contact: Berhane Yemane
Contact: 202-462-6504

WARD 5 ANC 5C SMD 5C02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7th Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New, Grocery Store.

HOURS OF OPERATION

Sunday through Saturday 8 am - 10 pm

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 9 am - 10 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: October 30, 2009  
Petition Date: December 14, 2009  
Hearing Date: December 28, 2009

License No.: ABRA-083263  
Licensee: Credo, LLC  
Trade Name: Estadio  
License Class: Retail Class "C" Restaurant  
Address: 1520 14<sup>th</sup> Street, N.W.  
Contact: Michael D. Fonseca, Esq., 202-625-7700

WARD 2

ANC 2F

SMD 2F01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

**NATURE OF OPERATION**

Upscale restaurant serving Spanish cuisine in a contemporary setting. Occupancy Load is 125.

**HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES**

Sunday 11 am – 11 pm, Monday 11 am – 12 am, Tuesday through Thursday 11 am – 1 am and Friday & Saturday 11 am – 1:45 am

**CORRECTION**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: October 23, 2009  
Petition Date: December 7, 2009  
Hearing Date: December 21, 2009

License No.: ABRA-076649  
Licensee: Par Bar, LLC  
Trade Name: H Street Country Club  
License Class: Retail Class "C" Tavern  
Address: 1335 H Street, N.E.  
Contact: Cheryl Webb, 202-399-4722

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

**LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATIONS:**

Entertainment Endorsement to include DJ

**ENTERTAINMENT ENDORSEMENT HOURS**

Friday & Saturday 6 pm - 2 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: October 30, 2009  
Petition Date: December 14, 2009  
Hearing Date: December 28, 2009

License No.: ABRA- 083128  
Licensee: Ramos Market, Inc.  
Trade Name: International Progreso Market  
License Class: Retail Class "B"  
Address: 3158 Mount Pleasant Street, N.W.  
Contact: Maria M. Ramos 301-996-6021 or 301-598-2981

WARD 1                      ANC 1D                      SMD 1D04

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

**NATURE OF OPERATION**

Market/Grocery Store - Transfer with Sale from 3162 Mount Pleasant St., N.W. to 3158 Mount Pleasant St., NW

**HOURS OF OPERATION**

Sunday 8 am – 7 pm and Monday through Saturday 8 am – 9 pm

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday 9 am – 7 pm and Monday through Saturday 9 am – 9 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: October 30, 2009  
Petition Date: December 14, 2009  
Hearing Date: December 28, 2009

License No.: ABRA-083264  
Licensee: Cuckoo Marans, LLC  
Trade Name: Music & Arts Club  
License Class: Retail Class "C" Nightclub  
Address: 2001 14<sup>th</sup> Street, N.W.  
Contact: Michael D. Fonseca, Esq., 202-625-7700

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

**NATURE OF OPERATION**

New nightclub offering live performances, DJ, and "patron" dancing. The venue is located in basement level of building. Occupancy Load is 295.

**HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES**

Sunday through Thursday 11:30 am – 2 am and Friday & Saturday 11:30 am - 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: October 30, 2009  
Petition Date: December 14, 2009  
Hearing Date: December 28, 2009

License No.: ABRA-083219  
Licensee: U Street Music Hall, LLC  
Trade Name: U Street Music Hall  
License Class: Retail Class "C" Multi-Purpose Facility  
Address: 1115 U Street, N.W.  
Contact: Candace Fitch 202-625-7700

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 7<sup>th</sup> Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

**NATURE OF OPERATION**

New, Multi-Purpose Facility offering musical, comedic and theatrical entertainment and education (DJ/entertainment classes and workshops). Occupancy Load is 399.

**HOURS OF OPERATION**

Sunday 11 am – 3 am, Monday through Thursday 5 pm – 3 am, Friday 5 pm – 4 am and Saturday 11 am – 4 am

**HOURS OF SALES/SEVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES**

Sunday 11 am – 2 am, Monday through Thursday 5 pm – 2 am, Friday 5 pm – 3 am and Saturday 11 am – 3 am

**HOURS OF OPERATION FOR ENTERTAINMENT**

Sunday through Thursday 6 pm – 3 am and Friday & Saturday 6 pm – 4 am

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, JANUARY 12, 2010  
SECOND FLOOR HEARING ROOM, SUITE 220-S  
441 4<sup>TH</sup> STREET, N.W.  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**10:00 A.M. TO 12:00 P.M. MORNING HEARING SESSION  
1:00 P.M. TO 6:00 P.M. AFTERNOON HEARING SESSION**

**A.M.**

**WARD FOUR**

18019            **Application of Ming Zheng**, pursuant to 11 DCMR § 3104.1, for a  
ANC-4B           special exception for a fast food restaurant (carry-out) under section 733,  
                      in the C-2-A District at premises 6215 Georgia Avenue, N.W. (Square  
                      2979, Lot 39).

**WARD SEVEN**

18020            **Application of District of Columbia Department of Real Estate**  
ANC-7D           **Services**, pursuant to 11 DCMR § 3103.2, for a variance from the off-  
                      street parking requirements under subsection 2101.1, to construct a new  
                      five story government office building in the C-3-A District at premises  
                      4085 Minnesota Avenue, N.E. (Square 5052, Lot 821).

**P.M.**

**WARD EIGHT**

18015            **Application of M. Sikder**, pursuant to 11 DCMR § 3103.2, for a variance  
ANC-8A           from the off-street parking requirements under subsection 2101.1, to allow  
                      the construction of a new one-family row dwelling in the R-3 District at  
                      premises 2237 14<sup>th</sup> Street, S.E. (Square 5793, Lot 1019).

**WARD EIGHT**

18016            **Application of M. Sikder**, pursuant to 11 DCMR § 3103.2, for a variance  
ANC-8A           from the lot area requirements under subsection 401.3, and a variance  
                      from the side yard requirements under section 405, to allow the  
                      construction of a new one-family semi-detached dwelling in the R-2  
                      District at premises 1514 23rd Street, S.E. (Square 5577, Lot 27).

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DECEMBER 15, 2009  
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**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**MARC D. LOUD, CHAIRMAN, SHANE L. DETTMAN, MERIDITH H. MOLDENHAUER AND A MEMBER OF THE ZONING COMMISSION -----  
----- BOARD OF ZONING ADJUSTMENT, BY CLIFFORD MOY, SECRETARY TO THE BZA, JAMISON L. WEINBAUM, DIRECTOR.**



Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 09-16  
PAGE 2

3. Chapter 3, R-2, R-3, R-4 AND R-5 RESIDENCE DISTRICT USE REGULATIONS, § 350 R-5 DISTRICTS: GENERAL PROVISIONS, is amended by adding the following new paragraph:

**(j) Car-sharing spaces; provided that any car-sharing space beyond the first two (2) spaces shall be located within or under a principal structure and may not be a required parking space for any use on site.**

4. Chapter 5, SPECIAL PURPOSE DISTRICTS, §501, USES AS A MATTER OF RIGHT (SP), is amended by adding the following new paragraph:

**(m) Car-sharing spaces, none of which may be a required parking space for any use on site.**

5. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, § 601, USES AS A MATTER OF RIGHT (CR), is amended by adding the following new paragraph:

**(ee) Car-sharing spaces, none of which may be a required parking space for any use on site.**

6. Chapter 21, OFF-STREET PARKING REQUIREMENTS, §2116 LOCATION OF PARKING SPACES, is amended as follows:

(A) By amending § 2116.1 as follows:

2116.1 Except as provided in §§ **201.1 (v)**, 214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, 2116.10 and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

(B) By amending § 2116.2 as follows:

2116.2 Parking spaces, **including car-sharing spaces** shall be located in one (1) of the following ways:

(a) Within a permitted garage or carport, subject to the special provisions of chapter 23; or

(b) On an open area of the lot as follows:

(1) Within a rear yard;

(2) Within a side yard; or

(3) Except in an SP District, elsewhere on the lot if accessory to a commercial or industrial use.

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 09-16  
PAGE 3

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**



Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 09-17  
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statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
  - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
  - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
  - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
  - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 09-17  
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- (5) An explanation of how the person’s interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1.

**If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.**

**Time limits.**

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** Thursday, December 3, 2009, 6:30 P.M. (1<sup>st</sup> Case)  
Office of Zoning Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 09-17A (Text Amendments Related to Public Libraries in the R Zone District)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

On October 13, 2009, the Office of Zoning received a petition from the District of Columbia Public Library for a text to amend the Zoning Regulations as they apply to public libraries. An accompanying application for a map amendment and special exception were also received and are the subject of a separate notice of public hearing published elsewhere in this volume of the *D.C. Register*. The amendments would permit public libraries in the R-5-A and R-5-B Zone District's to achieve a maximum density of 2.0 FAR, authorize the Board of Zoning Adjustment to allow a public library in any R District to exceed matter of right lot occupancy and have less than the amount of parking spaces required, and eliminate the need for a rear yard or side yard under certain circumstances.

The Office of Planning provided its report on October 13, 2009, which serves as the petitioner's supplemental statement.

The case was set down for hearing on October 19, 2009. At that time, the Commission authorized a waiver 11 DCMR § 3014.1 to permit this hearing to be scheduled less than forty calendar days after the publication of this notice. This waiver is unrelated to the requirement under District law that the Commission is required to give affected ANCs thirty business days notice before taking final action to amend the text of the Zoning Regulations.

The proposed text of the amendments summarized above is as follows:

- A. Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, § 402, Floor Area Ratio (R), is amended as follows:
  1. By amending the chart appended to § 402.4 to insert specific FAR limitations for public libraries as follows:

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 Z.C. CASE NO. 09-17A  
 PAGE 2

ZONE DISTRICT AND STRUCTURE	MAXIMUM FLOOR AREA RATIO (FAR)
R-1-A, R-1-B, R-2, R-3, R-4	None prescribed
R-5-A <u>Public libraries</u> All <u>Other</u> Structures	<u>2.0</u> 0.9
R-5-B <u>Public libraries</u> All <u>Other</u> Structures	<u>2.0</u> 1.8
R-5-C All structures	3.0
R-5-D All structures	3.5
R-5-E Apartment house and hotel	6.0
Any other structure	5.0

2. By adding a new § 403.4 to read as follows:

403.4 A public library may be permitted a lot occupancy in excess of that allowed by § 403.2 if approved by the Board of Zoning Adjustment, pursuant to § 3104.1.

3. By amending § 404.3 to insert the phrase “public library” as follows:

404.3 In the case of a lot proposed to be used by a **public library**, public school or a public recreation center that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.

4. By adding a new § 405.10 to read as follows:

405.10 In the case of a lot in an R District proposed to be used by a public library that abuts or adjoins along one (1) or both side lot lines a public open space, recreation area, or reservation, the required side yards may be reduced or omitted.

B. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended as follows.

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 Z.C. CASE NO. 09-17A  
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1. Section 2104, EXCEPTIONS TO THE SCHEDULE OF REQUIREMENTS: NEAR METRORAIL STATIONS, is amended as follows:
  - (a) Subsection 2104.1 is amended by striking the phrase “Except as provided in § 2104.2.”
  - (b) Subsection 2104.2 is repealed.
2. Subsection 2108.2 is amended by inserting the phrase “for a public library may be reduced by up to 100%, but for all other uses” as follows:

2108.2 The amount of required parking spaces **for a public library may be reduced by up to 100%, but for all other uses** shall not be reduced by more than twenty-five percent (25 %); provided, that for a use that is in the category of "All Other Uses" in the table in § 2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

- C. Chapter 34, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, Section 3104, Special Exceptions, is amended by inserting alphabetically the following new special exception into the chart appended to 3104.1.

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Public library with a lot occupancy in excess of that permitted by § 403.2.	Any R District	§ 403.4

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

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Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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