

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18291 of Mt. Olive Baptist Church, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, a variance from the nonconforming structure provisions under subsection 2001.3, and a variance from the off-street parking requirements under subsection 2101.1, to construct an addition to an existing church structure in the R-4 District at premises 1140 6th Street, N.E. (Square 829, Lot 65).

HEARING DATE: January 17, 2012
DECISION DATE: February 7, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 7.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report dated November 25, 2011 in support of the application. The ANC report indicated that at a regularly scheduled and duly noticed meeting on November 21, 2011, with a quorum present, the ANC voted 6-0-0 to support the Applicant's request (Exhibit 26.) The Office of Planning ("OP") submitted a report in support dated December 13, 2011 (Exhibit 29) and testified at the hearing in support of the application. The District Department of Transportation submitted a letter of "no objection" dated December 12, 2011. (Exhibit 28.) The Office of the State Superintendent of Education submitted a letter of support dated December 6, 2011 for the application. (Exhibit 30.) Twenty-seven (27) letters of support were submitted by the Applicant. (Exhibit 25.) No letters of opposition were received.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18291
EXHIBIT NO. 40

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proving the elements that are necessary to establish the case pursuant to § 3103 2, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements in section 404, a variance from the nonconforming structure provisions under subsection 2001.3, and a variance from the off-street parking requirements under subsection 2101 1 No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking variances from §§ 2101 1, 403, 404, and 2001 3 the Applicant has met the burden of proving under 11 DCMR § 3103 2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map

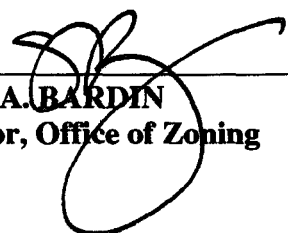
Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125 3, that the order of the Board be accompanied by findings of fact and conclusions of law It is therefore **ORDERED** that this application, pursuant to Exhibit 27 – Revised Architectural Plans dated December 2, 2011, be **GRANTED**.

VOTE: **4-0-1** (Meredith H. Moldenhauer, Marcie I Cohen, Nicole C Sorg, and Lloyd J Jordan to APPROVE, Jeffrey L Hinkle recused)

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

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

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: FEB 17 2012

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 TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS

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PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129 2 OR 3129 7, SHALL EXTEND THE TIME PERIOD

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT

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 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