GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16494 Exxon Corporation, pursuant to 11 DCMR 3108.1 **(new 3104.1)** for a special exception under Section 706 to allow the expansion of a gasoline service station with a convenience store on a site in a C-2-A District at premises 5515 South Dakota Avenue, N.E. (Square 3760 Lots 812 and 814).

HEARING DATE: **October 13, 1999**
DECISION DATE: **October 13, 1999**

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANC) 4B, 5A, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 4B. ANC 4B, which is automatically a party to this application did not submit a written statement in support of the application.

As directed by 11 DCMR 3324.2 **(new 3119.2),** the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 706. No person or entity appearing as a party to this case testified in opposition to the 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 **(new 3104.1)** that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITION**:

1. The applicant shall install one telephone booth in front of the convenience store.

BZA
Case No. _____
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16494
EXHIBIT NO.24

Pursuant to 11 DCMR 3301.1 **(new 3101.6)** the Board has determined to waive the requirement of 11 DCMR 3331.3 **(new 3125.3)** that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3 – 0 (Jerry Gilreath, Robert Sockwell, and Sheila Cross Reid to grant.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: NOV - 2 1999

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

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

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

Smp/Jkn/16494

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16494

As Director of the Office of Zoning, I certify and attest that on NOV - 2 1999 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Christopher H. Collins, Esquire
Wilkes, Artis,Hedrick & Lane, Chartered
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Washington, D.C. 20006

A.M. Mustafa, Chairperson
Advisory Neighborhood Commission (ANC) 4B
4th District Police Headquarters
6856 Eastern Avenue, N.W., Suite 314
Washington, D.C. 20012

Attested By: _____
JERRILY R. KRESS, FAIA
Director

Attest 16494/JKN