GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16536 of National City Christian Church, pursuant to 11 DCMR 3103.2, for a variance under Subsections 530.1 and 533.4 from the building height restriction and recreation space requirements for the construction of an apartment house containing 175 units on the site that is now the parking lot and maintain the existing church in an SP-2 District at premises 14th and N Streets (14th Street and Thomas Circle), N.W. (Square 212, Lot 123).

HEARING DATE: **January 19, 2000**
DECISION DATE: **January 19, 2000** **(Bench Decision)**

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 530.1 and 533.4. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. 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 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent,

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Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.28

purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3101.6, 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. The waiver will not prejudice the rights of any party, and is appropriate in this case

VOTE: 3-0 (Sheila Cross Reid, Kwasi Holman, and Robert N. Sockwell to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA

FINAL DATE OF ORDER: FEB - 8 2000

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 DECISION OR 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 AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16536/JKN/012400

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16536

As director of the office of Zoning, I certify and attest that on FEB - 8 2000 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:

Norman M. Glasgow, Jr., Esq.
Wilkes, Artis, Hedrick & Lane, Chartered
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

The Chairperson
Advisory Neighborhood Commission 2F
Washington Plaza Hotel
P. O. Box 9348
Washington, D.C. 20005

Attested By: _____
JERRILY R. KRESS, FAIA
DIRECTOR

Attest16536/JKN/012400

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16536

As Director of the Office of Zoning, I certify and attest that on MAR 27 2000 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:

Norman N. Glasgow, Jr., Esq.
Wilkes, Artis, Hedrick & Lane, Chartered
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

The Chairperson
Advisory Neighborhood Commission 2F
Washington Plaza Hotel
P. O. Box 9348
Washington, D.C. 20005

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Dept. Consumer & Regulatory Affairs
941 North Capitol Street, N.E., 2nd Floor
Washington, D.C. 20002

Attested By _____
JERRILY R. KRESS, FAIA
Director

Att16536/JKN/03220000