Paul A. Tummonds
03/21/2000 09:30 AM

To: bbailey@dcoz.dcgov.org
cc: Norman M. Glasgow Jr./WAHL@WAHL
Subject: BZA Order No. 16561 - Shrine of the Most Blessed Sacrament

Beverly - Pursuant to our phone conversation, I have attached a copy of a draft Summary Order for the above-mentioned case. In addition, I am having a copy of the construction routing plan, which was approved by ANC 3G and is referenced in their resolution supporting the application, hand delivered to you to make sure that the record in this case is complete. I will also include a disk, that includes the draft Summary Order, in this hand delivery.
If you have any questions or comments regarding these materials, please feel free to call me at (202) 457-7854 or send me an e-mail message. Thank you for your help. Paul.

'00 MAR 21 A11:50
OFFICE OF ZONING
DISTRICT OF COLUMBIA

BZA
Case No. 16561
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16561
EXHIBIT NO.36

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16561 of The Archdiocese of Washington/The Shrine of the Most Blessed Sacrament, pursuant to 11 DCMR 3104.1, for a special exception under Section 206 for the approval of an addition to an existing private school for 600 students in the R-1-B District at premises 5831 Chevy Chase Parkway, N.W. (Square 1863, Lots 821 and 822).

HEARING DATE: March 15, 2000

DECISION DATE: March 15, 2000 (bench approval)

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 Commission (ANC) 3G, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 3100.1, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR 206. No person or entity appeared at the public hearing in opposition to this application. Mr. Clay Wellborn, who resides at 5829 Chevy Chase Parkway, asked for and was granted party status in this case as a party in support. Mr. Wellborn's support of the application was contingent upon the Applicant's agreeing to abide by the terms of Condition No. 1, a-e, listed below. 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 3104.1, that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

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(1) In accordance with the actions outlined in a letter dated March 10, 2000 written by Polysonics Corp.(to address nighttime parish activities that are not technically part of this special exception application), which is included in the record of this case as Exhibit __, the Applicant will undertake the following actions in the multipurpose room/gym in the Roach Center building,
a) install gaskets to seal the east and south windows,
b) close the east windows during all nighttime activities,

c) provide shutters on the east side windows, curtains over the windows and acoustic panels as recommended by Polysonics Corp. in the March 10, 2000 letter,
d) muffle all horns during athletic events, and
e) baffle the new HVAC system to be located on the school roof, said HVAC system to be located as far west as reasonably practicable but no less than 125 feet west of the east property line of the Applicant's property;

(2) The Applicant must abide by the terms of the Construction Management Policies (including the routing of construction traffic from the site) included in the record of this case;
(3) During the construction period the Applicant must prevent the obstruction of traffic in the public alley adjacent to the site;
(4) No exterior construction work on the site shall occur on Saturdays, Sundays and on holidays;
(5) A construction project manager must be available by phone to the public in the evenings; and
(6) The Applicant will limit the maximum number of students in the school to 600 and will establish school hours of 7:00 – 4:00 Monday - Friday.

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 not prohibited by law.

VOTE: 5-0 (Sheila Cross Reid, Robert Sockwell, Anne Renshaw, Rodney Moulden and John Parsons to approve)

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

Attested by: _____
Jerrily R. Kress
Director

Final Date of Order: _____

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 DAYS AFTER HAVING BECOME FINAL PURSUANT TO 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.