GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16582 of Gallaudet University, pursuant to 11 DCMR 3104.1, for a special exception under Section 210, for the review and approval of an amendment to and further processing of the approved Campus Plan to construct a new student academic center along with additions to the Ely Center Student Union Building, an addition to the existing Washburn Arts Center, and a new grandstand and press box/concession stand for the athletic field, in an R-4 District at premises 800 Florida Avenue, N.E. (Parcel 141/69 in Square 3591).[1]

HEARING DATE: July 5, 2000
DECISION DATE: July 5, 2000 (Bench Decision)

SUMMARY ORDER

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

The site of the application is located within the jurisdiction of ANC 5B. ANC 5B, which is automatically a party to this application, did not submit a written statement on the application.

The Applicant stated that the University has had ongoing dialogue with the Gallaudet Community Relations Council (a neighborhood organization). The Council is made up of neighborhood residents and staff from the University. The Board received a letter (Exhibit No. 12) from the community organization, which indicates that at its March 8, 2000 meeting, the Council voted unanimously to support the application.

As directed by 11 DCMR 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 210. 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.

BZA Case No. 16582 Exhibit No. 28

[1] The Applicant's Exhibit No. 8 of the record states that pursuant to the Board's previous instructions, no memorandum from the Zoning Administrator is required for campus plan special exception applications. Also, the Applicant did not provide a Zoning Self-Certification Form. As required by Subsection 210.8 of the Zoning Regulations, the Applicant's statement certified that the floor area ratio zoning requirement for the campus is within the approved limit.

Board of Zoning Adjustment
District of Columbia
CASE NO.16582
EXHIBIT NO.28

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR Section 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.**

Pursuant to 11 DCMR 3101.6, the Board determined to waive the requirement of 11 DCMR 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: 5-0 (Sheila Cross Reid, Anthony Hood, Rodney Moulden, Robert Sockwell and Anne Renshaw and to grant.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: AUG - 3 2000

PURSUANT TO D.C. CODE SEC. § 1-2531 (1999), 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 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY 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 § 3125.6 OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE AND UPON ITS FILING IN THE RECORD AND SERVICE ON THE PARTIES.

PURSUANT TO 11 DCMR § 3130.3, THIS ORDER OF THE BOARD SHALL NOT BE VALID FOR A PERIOD IN EXCESS OF SIX MONTHS UNLESS WITHIN SUCH TIME THE PERMITTED USE IS ESTABLISHED; PROVIDED THAT WHERE THE PERMITTED USE IS DEPENDENT UPON THE ALTERATION OF A STRUCTURE, THE REMAINING PROVISIONS OF § 3130 SHALL APPLY.

BAB/7.10.00