GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16583 of East of the River Community Development Corporation, pursuant to 11 DCMR 3103.2, for area variances from Section 403 for lot occupancy, Section 402 floor area ratio, Section 400 for height and a use variance from Section 3103.2 under Section 350.1 for the construction of a three-story general and administrative office building to accommodate office use with access to the parking lot in an R-5-A District at premises 522 and 524 Raleigh Street, S.E. (Square 5988, Lots 52 and 53).[1]

HEARING DATES: **July 11 and July 25, 2000**
DECISION DATE: **July 25, 2000**

SUMMARY ORDER

The zoning relief requested in this case is by a zoning memorandum from the Division of Zoning of the Department of Consumer and Regulatory Affairs that specifies the zoning relief required by the applicant. Also, the application was self-certified.

The Applicant petitioned the Board to waive the filing fee because it is a nonprofit corporation created for civic purposes (Exhibit No. 11). The Board informed the Applicant that based on the current fee structure of the Zoning Regulations; all applicants are required to pay the filing fee, including civic associations and nonprofit organizations. The Board informed the Applicant that it does not have the authority to waive the filing fee for the community development corporation.

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) 8C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 8C. ANC 8C, which is automatically a party to this application, submitted a written statement (Exhibit No. 33) and presented testimony at the public hearing in support of the application.

The Office of Planning, by report dated July 11, 2000 (Exhibit No. 28) and by testimony at the public hearing, recommended approval of the application.

BZA Case No. Exhibit No. 38

[1] The application was initially advertised for a special exception under Section 217 of the Zoning Regulations. The Board re-advertised the application to indicate that zoning relief is required for use and area variances under the following sections of the Zoning Regulations: Section 403, Lot Occupancy; Section 402, Floor Area Ratio; Section 400, Height; and Section 350.1, R-5 Districts: General Provisions.

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EXHIBIT NO.38

The Board requested that the following actions take place prior to issuance of the order: (1) the Office of Zoning was to republish the project's corrected public hearing notice in the DC Register; (2) the Applicant was to repost the property; (3) the record was to be left open until August 20, 2000, for additional public comments; and, (4) the Applicant was to provide documentation concerning its initial efforts to develop the property as a split-zoned site. All requisite requirements have been met.

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 use and area variances from the strict application of the requirements of 11 DCMR 3103.2. 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 3103.2, that there exists an exceptional or extraordinary condition related to the property which creates a practical difficulty at the site. In addition, the Board ascertained that there is an undue hardship 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, 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 waived 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: 3-1-0 (Robert Sockwell, Sheila Cross Reid, and Anne Renshaw to approve; John Parsons opposed to the motion; Rodney Moulden not present, not voting.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: AUG 25 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), 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 § 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.

BAB/8.24.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16583

As Director of the Office of Zoning, I hereby certify and attest that on AUG 25 2010 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

W. Retta Gilliam & Nicole D. Puri
East of the River CDC
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Virginia Major, Chairperson
Advisory Neighborhood Commission 8C
3125 Martin Luther King, Jr. Ave. SE
Washington, DC 20032

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 200
Washington, DC 20009

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR