GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

Application No. 16612 of Clifton Terrace Associates, L.P., pursuant to 11 DCMR 3103.2 and 3104.1, under Sections 214 and 214.2 for a variance and special exception to permit the conversion of a previously approved parking lot to a roof top garden and play area with a four-level below grade parking garage in an R-5-B District at premises 13th and Clifton Streets, N.W. (Square 2868, Lot 109).

HEARING DATE: October 10, 2000
DECISION DATE: October 10, 2000 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR 3113.2.

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) 1B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1B. ANC 1B, which is automatically a party to this application, submitted a written statement and presented testimony in support of the application (Exhibit No. 23).

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 3104.1.

Commissioner M.A. Doll Fitzgerald, who represents the area on the ANC where the site is located, expressed concerns about the proposed development. Included among Commissioner Fitzgerald's remarks were concerns about safety, proper drainage, landscaping to include rooftop trees, and handicap access. The Board asked the Applicant to respond to Commissioner Fitzgerald's concerns, and was satisfied with the Applicant's response. 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 Map and will not tend to adversely affect the use of neighboring property.

BZA
Case No.
Exhibit No. 34

Board of Zoning Adjustment
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EXHIBIT NO.34

The Board also 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, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITION:**

The landscaping is to be maintained in a healthy growing condition and have a neat and orderly appearance.

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: 5 – 0 (Anthony Hood, Rodney Moulden, Sheila Cross Reid, Anne Renshaw and Robert Sockwell to grant.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: NOV 15 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/10.26.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

BZA APPLICATION NO. 16612

As Director of the Office of Zoning, I hereby certify and attest that on NOV 15 2000 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:

Norman M. Glasgow, Jr.
Wilkes Artis
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Toye Bello, Acting Zoning Administrator
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941 North Capitol Street, N.E., Suite 2000
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ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director