GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No.16644 of Arabic Baptist Church, pursuant to 11 DCMR §3103.2,for a variance from Section 405 from the side yard setback requirements to build an addition to an existing structure in an R-1-B District at premises 4605 Massachusetts Avenue, N.W. (Square 1556, Lot 62).

HEARING DATE: January 2, 2001

DECISION DATE: January 2, 2001 (Bench Decision)

SUMMARY ORDER

The applicant, Arabic Baptist Church, seeks variances from 11 DCMR § 405, to enlarge the existing church. The zoning relief requested in this case is self-certified pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment 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) 3E, the ANC for the area within which the subject property is located, and to the owners of property within 200 feet of the site. The applicant's affidavit of posting indicates that zoning posters were timely placed in front of the property, in plain view of the public.

The site of the application is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to this application, did not file a written statement.

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 variance under 11 DCMR § 405. No person or entity appeared at the public hearing in opposition to this 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 its burden of proof under 11 DCMR § 3103.2. The Board further concludes 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.**

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Board of Zoning Adjustment
District of Columbia
CASE NO.16644
EXHIBIT NO.28

Pursuant to 11 DCMR § 3101.6 and at the request of the applicant, the Board waived the requirement of Subsection 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: 3-0 (Sheila Cross Reid, Robert Sockwell, and John Parsons to approve)

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JAN 2 4 2001

PURSUANT TO D.C. CODE § 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 2038, 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, THIS ORDER OF THE BOARD SHALL NOT BE VALID FOR A PERIOD IN EXCESS OF TWO YEARS UNLESS WITHIN SUCH TIME THE PLANS FOR THE ERECTION OF THE STRUCTURE ARE FILED FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

SMP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16644:

As Director of the Office of Zoning, I hereby certify and attest that on JAN 2 4 2001, a copy of foregoing Decision and Order in BZA Application No. 166144was mailed first class, postage prepaid, or via D.C. Government interoffice mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Alfons Massoud
4605 Massachusetts Avenue N.W.
Washington, D.C. 20016

Jill Diskan, Chairperson
Advisory Neighborhood Commission 3D
St. Mary's Church
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Washington, D.C. 20016

Councilmember Kathleen Patterson
441 4th Street N.W.
Suite 708
Washington, D.C. 20001

Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning