GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16675 of Saint George's Episcopal Church, pursuant to 11 DCMR § 3103.2, under subsection 403.2 for a variance from the lot occupancy limitation to add an addition to an existing church building over a plaza connecting a townhouse annex to serve as a place of worship and an outreach program to serve families and the youth in an R-4 District at premises 160 U Street, N.W. (Square 3114, Lots 38 and 90).

NOTE: The Board amended the application at the hearing to require additional relief under 11 DCMR §§ 404 (rear yard), and 2001 .3 (a) (b) and (c) (nonconformity).

HEARING DATE: February 27, 2001
DECISION DATE: February 27, 2001 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR'S OFFICE.

The application was accompanied by a memorandum from the Zoning Administrator certifying the requested relief.

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 the applicant, Advisory Neighborhood Commission (ANC) 5C, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 5C. ANC 5C, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under 11 DCMR §§ 403, 404, and 2001.3 (a) (b) and (c). 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 and having given great weight to the ANC and the Office of Planning reports in this case, the Board concludes that the applicant has met the burden of proof, under 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

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the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS:**

1. The Applicant shall encourage the congregation, and others using the site, to use the parking spaces which are available at Gage-Eckington Elementary School; and

2. The lot occupancy shall be increased by 16.33 square feet.

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: 5-0-0 (Sheila Cross Reid, Susan M. Hinton, Anne M. Renshaw, Robert N. Sockwell, and Anthony J. Hood to grant).

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

Each concurring member has approved the issuance of this Order.

Attested by: _____
Jerrily R. Kress, FAIA
Director, Office of Zoning

Final Date of Order: MAR 2 9 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16675

As the Director of the Office of Zoning, I hereby certify and attest that on MAR 2 9 2001, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Edward M. Johnson & Associates, P.C.
3612 Twelfth Street, N.E.
Washington, D.C. 20017

Vicky Leonard-Chambers
Single Member District Commissioner 5C04
2218 Flagler Place, N.W.
Washington, D.C. 20001

James D. Berry, Jr., Chairperson
Advisory Neighborhood Commission 5C
680 Rhode Island Avenue, N.E
Washington, D.C. 20002

Michael D. Johnson, Zoning Administrator
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., suite 200
Washington, D. C. 20002

Councilmember, Vincent B. Orange, Sr.
Ward Five
441 4TH Street, N.W., Room 708
Washington, D.C. 20001

Ellen McCarthy
Office of Planning
4TH floor
801 North Capital Street, N.E.
Washington, D. C. 20002

ATTESTED BY: Jerrily R. Kress

Jerrily R. Kress, FAIA
Director