GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16726 of Washington Metropolitan Area Transit Authority, pursuant to 11 DCMR §3104.1 for special exceptions to extend the provisions of a less restrictive district into a more restrictive district under subsection 2514.2 and to allow more than one roof structure and roof structures of unequal height under subsection 411.11 and pursuant to subsection 3103.2 for variances from the width of court requirements under subsections 406.1 and 638.1, residential recreation space requirements under section 635, public space at ground level requirements under section 633 and 75% street wall requirements under subsection 1903.3, to permit construction of an apartment house in the R-5-B, ARTS/CR and ARTS/C-2-A District at the northwest corner of 13th and U Streets, NW (Square 236 , Lots 37-39, 800-804, 828, 829, and 832, and public alleys ordered closed pursuant to D.C. Law 13-247, now collectively known as Lot 67).

HEARING DATE: June 5, 2001
DECISION DATE: June 5, 2001 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFICATION

The Zoning relief requested in this application was 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, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party of this application. The ANC submitted a written statement and testified in support of the application.

The D.C. Office of Planning submitted a written report and testified in support of the application. The written report was admitted less than seven days of the public hearing by waiver of the Board, pursuant to its authority set forth in § 3101.6.

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 special exception pursuant to 11 DCMR §§ 3104.1, 411.11 and 2514.2 and the case for variance relief pursuant to §§ 3103.2, 406.1, 638.1, 635, 633 and 1903.3. No party 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.

BZA
Case No. 16726
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO.16726
EXHIBIT NO.36

Based upon the record before the Board and having given great weight to the ANC, the Board concurs with the Office of Planning report in support of the application and concludes that the applicant has met the burden of proof, pursuant to 11 DCMR § 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. The Board further concludes that the applicant met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED.**

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 appropriate in this case.

VOTE: 5-0-0 (John G. Parsons, Susan M. Hinton, Sheila Cross Reid, Geoffrey H. Griffis and Anne M. Renshaw 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

FINAL DATE OF ORDER: JUL 25 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 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 PURPOSES OF SECURING A BUILDING PERMIT.

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

POH

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16726:

As Director of the Office of Zoning, I certify and attest that on JUL 25 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 this matter, and who is listed below:

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Attested by: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director