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June 14, 2001

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Hand Delivery

Mr. Paul Hart
Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: BZA No. 16726, Washington Metropolitan Area Transit Authority Draft Order

Dear Mr. Hart:

Pursuant to our conversation following the hearing on June 5, 2001, enclosed please find a draft summary order, by hard copy and disk, in BZA Application No. 16726.

We will be submitting under separate cover the revised roof plan drawing and construction information requested by the Board to be included in the record.

Please feel free to contact me with any questions.

Very truly yours,

HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosure

BZA
Case No. 16726
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.16726
EXHIBIT NO.38

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 §2514.2 and to allow more than one roof structure and roof structures of unequal height under §411.11 and pursuant to §3103.2 for variances from the width of court requirements under §§ 406.1 and 638.1, private residential recreation space requirements under §635, public space at ground level requirements under §633 and 75% street wall requirements under §1903.3, to permit construction of an apartment house in the R-5-B, A/CR and A/C-2-A District at the northwest corner of 13th and U Streets, NW (Square 236 , Lots 37-39, 800-804, 828, 829, 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

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, 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 within seven days of the public hearing by waiver of the Board of §3114.2 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 §§ 411.11 and 2514.2 and the case for variance pursuant to §§ 406.1, 638.1, 635, 633 and 1903.3. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.