GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16733 of the Salvation Army, pursuant to 11 DCMR § 3103.2 for variances from subsections 1706.4 floor area ratio requirements, 773.3 recreation space requirements, and 776.1 from the requirements for width of an open court for the construction of a hotel and apartment building in the DD/C-2-C District at premises 525 and 575 Massachusetts Avenue, N.W (Square 484, Lot 25).

HEARING DATE: June 19, 2001
DECISION DATE: June 19, 2001 (Bench Decision)

SUMMARY ORDER

SELF - CERTIFIED

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, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2C, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP) for review and report.

The subject property is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to this application, did not participate in the case. OP submitted a report into the record of the case recommending approval 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 a variance under § 3103.2. 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 the burden of proof, under 11 DCMR §§ 3103.2, 1706.4, 773.3 and 776.1 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 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 zoning plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the 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.

BZA Case No. 16733 Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO.16733
EXHIBIT NO.34

VOTE: 3 – 0 – 2: *(Anthony J. Hood, Sheila Cross Reid, and Geoffrey H. Griffis to approve;* Anne M. Renshaw abstaining, and Susan M. Hinton, not voting, not present).

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: JUL 2 5 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.

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.

Vce/16733

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16733

As Director of the Office of Zoning, I hereby certify and attest that on JUL 25 2001 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid or sent by inter-agency mail, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Norman M. Glasgow, Jr.
Holland & Knight, LLP
2099 Pennsylvania Ave., Suite 100
Washington D. C. 2006-6801

Alan Bergestein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th floor
Washington, D.C. 20001

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
Terrell Junior High School
First & Pierce Streets, N.W.
Washington, D.C. 20001

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

Lydia Goring, Commissioner
Single Member District Commissioner 2C04
400 M Street, N.W.
Washington, D.C. 20001

Jack Evans, Councilmember
Ward Two
441 4th Street, N.W. Room 703
Washington, D.C. 20001

Michael D. Johnson, Zoning Administrator
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D. C. 20002

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

ATT/16733anc2c