LAW OFFICES
GREENSTEIN DELORME & LUCHS, P.C.

1620 L STREET, N.W., SUITE 900
WASHINGTON, D.C. 20036-5605

TELEPHONE (202) 452-1400
FACSIMILE (202) 452-1410

WILLIAM H. HARRIS, JR.
RICHARD G. WISE
ABRAHAM J. GREENSTEIN
GILBERT E. DELORME
VINCENT MARK J. POLICY
RICHARD W. LUCHS
JUDITH R. GOLDMAN
JACQUES B. DEPUY
JEFFREY H. GELMAN
ALAN S. WEITZ
WILLIAM C. CASANO
STEPHEN H. ABRAHAM
LEWIS F. MORSE
JOHN PATRICK BROWN, JR.
LYLE M. BLANCHARD
CLIFFORD M. COHEN+
ALFRED M. GOLDBERG
DONALD F. HOLMES, JR.
MIRIAM HELLEN JONES
SARAE T. LEUCKEL
ISABEL P. RUIZ DE GAMBOA*
JAMES D. SADOWSKI

*ADMITTED IN VA ONLY
+ADMITTED IN FL, IL AND MA ONLY

OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

August 1, 2001

BY HAND AND E-MAIL

Ms. Sherri M. Pruitt
Secretary
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210
Washington, D.C. 20001

Re: BZA Application 16736

Dear Ms. Pruitt:

I am enclosing a draft Summary Order which reflects the Board's Bench Decision on July 24, 2001.

For your convenience, I am also forwarding the draft Summary Order by e-mail formatted in Word2000.

Thank you for your continued assistance and cooperation in this case. If you have any questions, please do not hesitate to contact me.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

JPB/sp
Enclosures
cc: Mr. Kevin P. O'Malley
Mr. Desmond Dodd, Advisory Neighborhood Commission 1E

163721

BZA
Case No. 16736
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16736
EXHIBIT NO.29

DRAFT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 16736 of CIH Renaissance Limited Partnership, pursuant to 11 DCMR 3103.2, for a use variance under Section 350 to allow offices of a mortgage lender and tax service in an apartment building in an R-5-D District at premises 3060 16th Street, N.W. (Square 2594, Lots 2085 and 2087).

HEARING DATE: **July 24, 2001**

DECISION DATE: **July 24, 2001 (Bench Decision)**

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication of the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1E and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 1E. ANC 1E, which is automatically a party to this application, did not file a written statement regarding the application.

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 a variance from the strict application of the requirements of 11 DCMR 350. No person or entity appearing as a party to

this case testified in opposition to the 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, pursuant to 11 DCMR 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship 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. The Board, sua sponte, amended the Application to allow retail uses and professional offices in the subject properties. It is therefore **ORDERED** that the application, as amended by the Board, be **GRANTED**.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirements 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 (Sheila Cross Reid, Anne M. Renshaw, John Parsons, Geoffrey H. Griffis, David Levy to grant).

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

ATTESTED BY: _____

JERRILY R. KRESS, FAIA

Director

Final Date of Order:_____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), 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 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN

APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

163391

CERTIFICATE OF SERVICE

As Director of the Office of Zoning, I hereby certify and attest that on _____ a copy of the Order entered on that date in this matter before the Board of Zoning Adjustment was mailed first-class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

John Patrick Brown, Jr., Esq.
Greenstein DeLorme & Luchs, P.C.
1620 L Street, N.W., Suite 900
Washington, D.C. 20036

Mr. Desmond Dodd
Advisory Neighborhood Commission 1E
1656 Irving Street, N.W.
Washington, D.C. 20010

Attested by:_____
JERRILY R. KRESS, FAIA
Director

Date:_____