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July 25, 2001

CHRISTINE MOSELEY SHIKER
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VIA HAND DELIVERY
Members of the Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001
ATTN: Rick Nero

Re: BZA Case No. 16744
500 New Jersey Avenue, N.W.

Dear Mr. Nero:

On behalf of the Applicant in the above-referenced case, enclosed please find a draft summary order in the above-referenced case reflecting the bench decision rendered by the Board of Zoning Adjustment at its July 24, 2001, hearing approving the application. An electronic copy has been included as well for your convenience.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 457-7167.

Sincerely,

Christine Shiker

Christine Moseley Shiker

Enclosures

cc: Jay Hellman, The Hellman Company, inc. (with enclosure)
Whayne S. Quin, Esq.

WAS1 #997965 v1

BZA
Case No. 16744
Exhibit No. 62

Board of Zoning Adjustment
District of Columbia
CASE NO.16744
EXHIBIT NO.62

DRAFT

Application No. 16744 of THE HELLMAN COMPANY, INC. and AMOCO OIL COMPANY, pursuant to 11 DCMR § 3103.2 for variances from the floor area ratio requirement (Section 771), the height requirement (Section 770), the parking requirement (Section 2101) and the loading requirement (Section 2201) for the construction of an office building in the HR/C-3-C District at 500 New Jersey Avenue, N.W. (Square 627, Lots 7, 12, 801, and 802).

HEARING DATE: July 24, 2001
DECISION DATE: June 24, 2001 (Bench Decision)

SELF CERTIFICATION

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Applicant, Advisory Neighborhood Commission (ANC) 6A, and to owners of all property within 200 feet of the property that is the subject of this application. The application was referred to the Office of Planning (OP) for review and report. The Board waived the rules to accept the filing of the OP report which supported the Application. The application was also referred to the Department of Public Works (DPW) for review and report. The Board waived the rules to accept the filing of DPW's report. DPW had no objections to the project.

The subject property is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to the application, did not file a written statement. Robert L. Hall, Single Member District for ANC 6A01, filed two letters in support with the Board. The Zoning and Licensing Committee of the ANC 6A also filed a letter in support of the project.

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 from the strict application of the requirements of 11 DCMR §§ 771, 770, 2101, and 2201. No person or entity appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the hearing. Based upon the record before the Board, and having given great weight to the Office of Planning's report filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 under §§ 771, 770, 2101 and 2201, 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 zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, subject to the following conditions:

1. The Applicant will construct the building in substantial conformance with the architectural drawings presented in the Application with the following conditions:

a. The roofline will be a mansard-type roofline similar to that depicted on plan 2.11, including a cornice line at the 130 foot level.

b. The First Street façade shall have windows to the maximum extent feasible.

c. The windows shall have a traditional scale.

d. The façade will include distinguishing elements, such as balconies or bay windows, subject to the approval by the Public Space Committee for the Department of Public Works. The façade may also include other distinguishing elements not subject to the Public Space Committee's approval, such as French doors.

2. The materials to be used for the project will be high quality materials, such as granite, limestone, limestone-like pre-cast concrete, brick, or an equivalent high quality material, subject to the availability at the time, and generally in accordance with the plans submitted as part of this Application.

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 (Sheila Cross Reid, Anne Renshaw, David Levy, Geoffrey Griffis, and John Parsons 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: _____

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.

WAS1 #996832 v1