GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to the 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, with conditions, 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 Commissioner for ANC 6A01, filed with the Board two letters in support (Exhibit Nos. 22 and 48). The Zoning and Licensing Committee of ANC 6A also filed a letter in support of the project (Exhibit No. 53).

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.

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EXHIBIT NO.63

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 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 Map, 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 be **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 of 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 waived 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 Parsons, Anne Mohnkern Renshaw, Sheila Cross Reid, David Levy and Geoffrey H. Griffis to approve.)

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

Each concurring Board member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: JUL 26 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.

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.

BAB/7.25.01

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16744

As Director of the Office of Zoning, I hereby certify and attest that on JUL 26 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 and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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ATTESTED BY:

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Director, Office of Zoning