Government of the District of Columbia
Board of Zoning Adjustment

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Application No. 16757 of Jemal's Lofts LLC, pursuant to 11 DCMR § 3103.2 for variances from the floor area ratio requirements (subsection 1707.4), residential recreation space requirements (section 773), and ground floor preferred use requirements (subsection 1703.3), and pursuant to subsection 3104.1 a special exception from the roof structure provisions under subsection 411.11 to allow the construction of an apartment house with ground floor retail in a DD/C-4 District at premises 910-916 F Street, N.W. (Square 377, Lots 828, 829, 847 and 848).

HEARING DATE: September 20, 2001
DECISION DATE: September 20, 2001 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFICATION

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

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The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 2C. ANC 2C, did not participate in this case. The Office of Planning report recommended that the application be approved.

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 and special exception pursuant to 11 DCMR §§ 3103.2 and 3104.1 respectively. 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 and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant

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has met the burden of proving under 11 DCMR §§ 3103.2, 773, 1707.4, and 1703.3 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 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 further concludes that the applicant met the burden of proof under 11 DCMR §§ 3104.1 and 411.11 that the granting of the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITION:**

1. The Applicant may modify the design of the building subject to approval under D.C. Law 2-144, provided that those changes do not diminish the amount of residential recreation space provided and the roof structure setback on the west side.

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: **4-0-1** (David W. Levy, Geoffrey H. Griffis, Sheila Cross Reid, and Peter G. May to Approve, Anne M. Renshaw not present, not voting).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

Final Date of Order: SEP 2 8 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.

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Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16757

As Director of the Office of Zoning, I hereby certify and attest that on SEP 2 8 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:

JERRILY R. KRESS, FAIA
Director