GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16761 of Rolf Ramelmeier, pursuant to 11 DCMR § 3103.2 for variance* from the floor area ratio limitations to allow retail/office use in the entire building under section 771 in a C-2-A District at premises 3421 14th Street, N.W. (Square 2836, Lot 123).

* The Board in its deliberations found the application met the test for an area and a use variance.

HEARING DATE: September 4, 2001
DECISION DATE: September 4, 2001

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 Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site. The application was referred to the Office of Planning (OP) for review and report.

The site of the application is located within the jurisdiction of ANC 1A. ANC 1A, which is automatically a party to the application, filed a written statement expressing its support for the application. The OP submitted a report into the record of the case recommending against the application.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for an area and use variance pursuant to 11 DCMR § 3103.2 and 771. With the exception of the OP, no person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

BZA
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EXHIBIT NO.31

The Board concludes that the applicant has met its burden of proof, pursuant to 11 DCMR § 3103.2 and 771, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty and hardship 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.

It is therefore **ORDERED** that the application is **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 not prohibited by law.

VOTE: 4-0-1 (Geoffrey H. Griffis, Anthony J. Hood, David W. Levy, and Anne Mohnkern Renshaw to approve, Sheila Cross Reid recusing herself).

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: SEP - 6 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.

RSN

BZA APPLICATION NO. 16761

As Director of the Office of Zoning, I hereby certify and attest that on SEP - 6 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:

Rolf Ramelmeier
2049 Route 32
Sikesville, Maryland 21784

Henry L. Berben
2915 Duvall Road
Burtonsville, Maryland 20866

Elizabeth McIntire, Chairperson
Advisory Neighborhood Commission 1A
3511 14th Street, N.W., 2nd Floor
Washington, D.C. 20010

Ken Dean, ANC Single Member District Representative 1A05
Advisory Neighborhood Commission 1A
3511 14th Street, N.W., 2nd Floor
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Jim Graham, City Councilmember
Ward One

Michael Johnson, Zoning Administrator

Ellen McCarthy, Deputy Director
Office of Planning

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director