GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 16762 of Central American Resource Center, pursuant to 11 DCMR § 3103.2 for a use variance to establish a non-profit office under subsection 350.4 in an R-5-B District at premises 1460-1462 Columbia Road, N.W. (Square 2670, Lots 841 and 842).

HEARING DATE: September 4, 2001
DECISION DATE: September 4, 2001 (Bench Decision)

* This application was originally advertised as a use variance under 11 DCMR §§ 3103.2 and 350.4. Based upon the recommendation of the Office of Planning, the Office of Zoning informed the Applicant that the application appeared to be eligible for special exception relief under 11 DCMR §§ 3104.1 and 334 as an alternative to the requested use variance. The test for the burden of proof for the special exception is less onerous than for the use variance. The Applicant was not opposed to seeking the special exception relief. The Applicant requested and received the Board's permission to submit the application under section 334.4 for a special exception. The proposed use was not changed and the only change was in the type of relief being sought (special exception instead of use variance. (See Exhibit # 23).

SUMMARY ORDER

SELF-CERTIFIED

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

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The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 1A and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning 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 this application, filed a written statement in support of the application. The Office of Planning (OP), by a report dated September 4, 2001, recommended approval of the application as a community service center with non-profit offices, by special exception relief pursuant to Section 334.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR §§ 3104.1 and 334. No person or entity appeared at the public hearing in opposition to

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this 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 334, that 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 in accordance with the Zoning Regulations and Zoning Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS:**

(1) Five parking spaces shall be provided.

(2) The nonprofit organization shall be restricted to the first floor and the basement of the premises, provided that the remainder of the building is developed residentially.

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: 5-0-0 (Sheila Cross Reid, Anne Mohnkern Renshaw, Geoffrey H. Griffis, David W. Levy and Anthony J. Hood to approve).

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: SEP 2 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.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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.

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As Director of the Office of Zoning, I hereby certify and attest that on SEP 2 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 who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Attested by: _____
JERRILY R. KRESS, FAIA
Director