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October 16, 2001

DENNIS R. HUGHES
202-419-2448

Internet Address:
drhughes@hklaw.com

Hand Delivery

Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: BZA Application No. 16782

Dear Members of the Board:

Enclosed please find an original and 10 copies of the Applicant's Statement in Support of the above-referenced application, scheduled for public hearing on October 30, 2001.

Please do not hesitate to contact us should you have any questions or require further information.

Very truly yours,

HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosures
cc: Office of Planning
ANC 2B

WAS1 #919995 v2

RECEIVED
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Board of Zoning Adjustment
District of Columbia
CASE NO.16782
EXHIBIT NO.22

#22

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
1742 N Street Co., LLC

BZA Application No. 16782
Public Hearing: October 30, 2001
ANC 2B

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to 11 DCMR §3104.1 for a special exception under §508.1 for the construction of an addition to an existing building for office use, and pursuant to §3103.2 for a variance under §531.1 from the floor area ratio ("FAR") requirement in a DC/SP-1 District, at premises 1742-44 N Street, NW (Lot 86 in Square 159).

II.
Jurisdiction Of The Board

The Board has jurisdiction under §3100 of the Zoning Regulations to grant the requested special exception and variance relief pursuant to §§ 3104 and 3103 of the Zoning Regulations.

III.
Background Of The Case

A. Description of the Subject Property

The subject property, Lot 86 in Square 159, is located at 1742-44 N Street, NW, on the south side of N Street, NW, mid-block between 17th and 18th Streets, NW. The subject property contains a lot area of 3,250 square feet. The subject property is improved with a four-story masonry and wood building that originally was two buildings constructed circa 1900. The existing building contains 7,864 square feet of gross floor area for zoning purposes. The site is located in the DC/SP-1 Zone and is within the Dupont Circle Historic District.

B. Description of the Surrounding Area

The subject property is surrounded by a mix of commercial, chancery, office, hotel and other uses. A map of the subject property and surrounding properties is included as Exhibit A. As mentioned, the subject property is bounded to the west by row buildings, all of which are utilized for non-residential uses and some of which have been incorporated into an eight-story office building complex at 1752 N Street, NW. Continuing west on the south side of N Street, NW, there is a small eight foot-wide alley and then a large office building at the intersection of N and 18th Streets and Connecticut Avenue, NW.

North of the subject property, across N Street, NW, are a variety of structures, including numerous row buildings utilized for permitted office and hotel uses and newer construction, including the Canterbury Hotel at 1735 N Street, NW.

To the east, the property is bounded by row buildings utilized for permitted office and restaurant uses.

The subject property is bounded to the south by a narrow T-shaped right-of-way which empties into a central alley, St. Matthews Court, for Square 159. South of St. Matthews Court is St. Matthews Cathedral and a future development site approved by planned unit development for a 114 foot-tall office building.

C. Description of the Proposal

The Applicant intends to construct a minor addition to the rear of the building, essentially enclosing the current areaway/court, which was created by the rear additions to the historic building, and which contains the antiquated exterior fire stair. A plat of the subject property is attached as Exhibit C. The addition will allow the Applicant to construct a modern fire-rated interior stairwell and to re-arrange space to provide handicapped-accessible restroom facilities, improved efficiency in the building and an employee lounge area. The proposed construction will add only approximately 629 square feet of gross floor area. Architectural drawings are attached at Exhibit D.

The existing building is 261 square feet below its permitted gross floor area. Thus, the proposed addition would exceed the permitted density by only 368 square feet, or 0.11 FAR in excess of the permitted 2.5 FAR for the subject property. The areas of the renovated building dedicated to the modern fire-rated interior stairwell to replace the existing exterior fire escape stair (405 square feet) and to the handicapped-accessible restroom (55 square feet) total 460 square feet.

There will be no change in use as a result of the proposed addition. The building will maintain the same hours of operation, and no increase in staff will occur as a result of this proposal.

IV.
Exhibits In Support Of The Application

Exhibit A:	A portion of the Sanborn and Baist Atlases showing the Subject Property outlined in red.
Exhibit B:	A portion of the Zoning Map showing the Subject Square highlighted in red.
Exhibit C:	Surveyor's Plat of the Subject Property.
Exhibit D:	Architectural Drawings.
Exhibit E:	Certificate of Occupancy No. B93755, May 13, 1976.
Exhibit F:	Outline of testimony of Representative of 1742 N Street Co., LLP, Applicant.
Exhibit G:	Outline of testimony of Architect Charles Perla.
Exhibit H:	Outline of testimony of Planning Expert Steven Sher.
Exhibit I:	Board of Zoning Adjustment Application No. 14313.
Exhibit J:	Board of Zoning Adjustment Application No. 16600.

V.
The Applicant Meets the Requirements for Special Exception Relief Under Section 508.1 of the Existing Zoning Regulations

Special exception relief is required from §508 of the Zoning Regulations, regarding office uses in the SP Zones. As the Board is aware, a special exception use is a use pre-deemed compatible with other uses permitted in a particular zoning classification provided that the specific regulatory requirements are met. In

reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981). Through the exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations.

Under §508.1 of the Zoning Regulations, "construction of a new office building or construction of an addition to a building for office use, or conversion of an existing building to office use, shall be permitted in an SP district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in [§3104.1] ... subject to the provisions of this title."(emphasis supplied.) As demonstrated below, the Applicant intends to construct an addition to a building for an existing office use that satisfies the conditions of both §3104.1 and §508.

A. Compliance with Section 3104.1

Under §3104.1, which sets forth the general provisions for special exception relief under the Zoning Regulations, the Board is authorized to grant those special exceptions which, in the judgment of the Board, will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property.

1. Harmony with the Zoning Regulations and Maps

The present Application is in harmony with the Zoning Regulations and Maps. The property has been continuously occupied as offices under a valid certificate of occupancy dated May 13, 1976. (See Exhibit E). SP office use of a pre-1958 building was permitted at that time as a matter of right. There will be no change in use of the building as a result of this Application.

The existing building, containing approximately 2.42 FAR, falls within the allowable 2.50 FAR for office use in the SP-1 District. The proposed addition will increase the existing building only by another 0.19 FAR, for a total proposed FAR of 2.61. The addition is minor in scale and will not significantly increase the intensity of use of the building but rather improve the building's fire egress and spatial efficiency.

2. No Adverse Effect on Neighboring Property

The very small addition proposed for the existing building will not tend to affect neighboring property adversely. As mentioned above, there will be no increase in the hours of operation or number of employees at the subject property as a result of this proposal. Likewise, the proposed addition, which faces into the right of way south of the building and is not visible from any street and only partially visible from the central public alley in Square 159, St. Matthews Court, has been designed in a manner that is architecturally sensitive to the subject building and to neighboring properties. The project is being reviewed by, and has received favorable comment from, Staff to the Historic Preservation Review Board ("HPRB"). The Applicant understands from Historic Preservation Staff that the proposal will be placed on the

HPRB's October 25, 2001 Consent Calendar Agenda for approval. The Application has received the unanimous approval of Advisory Neighborhood Commission ("ANC") 2B and the support of the Dupont Circle Conservancy.

B. Compliance with Section 508

The Application also satisfies the requirements for special exception relief set forth in §508 of the Zoning Regulations.

508.2 Each application shall be referred to the Office of Planning in accordance with the provisions of §500.6.

The Application has been referred to the Office of Planning. Representatives of the Applicant have discussed this Application with staff of the Office of Planning.

508.3 The Use, Height, Bulk and Design Shall be in Harmony with Existing Uses and Structures on Neighboring Property.

The Application is in complete harmony with the use, height, and design of existing neighboring uses and structures. With regard to use, as stated above, the property has been continuously occupied as offices under a valid certificate of occupancy dated May 13, 1976. (See Exhibit E). There will be no change in use of the building as a result of this Application.

The proposed addition will not increase the height of the building along N Street, NW. The portion of the rear of the building that is currently three stories will increase by one story such that the building will read as four stories throughout. And as discussed above, the bulk of the building will increase only 368 feet over the

density permitted in the SP-1 District, for an 0.11 FAR increase over the permitted 2.50 FAR. This increase in bulk will have no impact upon the neighboring properties or upon the general public, as the primary purpose of the Application is to enclose an existing areaway/court that has developed from the gradual increases to the rear portions of the building over time.

The design of the proposed addition is likewise in harmony with existing structures in the neighborhood. To that end, the Applicant has been advised by Staff to the HPRB that its proposed addition will be included on the HPRB's consent agenda for approval at its upcoming public meeting, scheduled for October 25, 2001. Also, at its regularly scheduled October 10, 2001 public meeting, ANC 2B voted unanimously to support the Application. The Dupont Circle Conservancy supports the Application.

508.4 The Use Shall not Create Dangerous or Other Objectionable Traffic Conditions.

The Application will generate no increase in traffic. The purpose of the proposed addition primarily is to provide additional fire egress and increased spatial efficiency in the existing building.

508.5 The Board may Require Special Treatment in the way of Design, Screening of Buildings, Accessory Uses, Signs and Other Facilities as It Shall Deem Necessary to Protect the Value of Neighboring Property.

The Applicant has engaged in extensive communication with ANC 2B and HPRB Staff in efforts to insure that the proposed project is undertaken in a manner that is architecturally sensitive and that insures minimal impacts upon surrounding

properties. Upon receiving HPRB approval for its plans, the Applicant will continue to coordinate with the HPRB Staff on certain design details, materials and finishes.

VI.
The Applicant is Entitled to Variance Relief Under the Zoning Regulations

The Application also satisfies the requirements for variance relief under §531.1, which establishes permitted building density in the SP Districts. Because the proposed addition will increase the total density of the subject building approximately 368 feet, or .11 FAR, over the permitted building density in the SP-1 District, the Applicant requests a variance from the provisions of §531.1

The authority of the Board to grant variances is set forth in §3103 of the Regulations. Section 3103.2 provides,

> [w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, 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. (emphasis added.)

As set forth below, the Applicant satisfies the three-prong test for variance as established in §3103.2. Variance relief is therefore appropriate in the present case.

A. The Subject Property is Affected by an Exceptional Situation or Condition.

The subject property is confronted with a number of exceptional conditions, related both to the land and to the existing improvements on the property. These exceptional conditions directly relate to the Applicant's inability to comply with the building density requirement of §531.1.

With regard to the land conditions impacting upon the subject property, the property is among the shallower properties in Square 159 as well as those neighboring it across N Street, NW, in Square 158. This shallow condition is the direct result of the presence of the small 10-foot wide right-of-way bounding the property to the south, which, in turn, connects to a central alley, known as St. Matthews Court, which runs through the interior of Square 159.

Square 159 is an unusually configured square in that it is not formed in the more typical orthogonal fashion of numbered streets intersecting with lettered streets. Instead, Square 159 has two diagonal avenues among its five boundary streets. This arrangement results in a situation where, from west to east, the depth of Square 159 becomes progressively shallower. As the central alley in the square, St. Matthews Court likewise creates lot boundaries of progressively shallower depths as it runs from west to east.

Were it not for the existence of the small T-shaped right-of-way stemming north from St. Matthews Court to form the southern boundary of the subject property, the subject property would naturally have a significantly greater depth than it does. For sake of comparison, the property line running between Lots 70 and 39, to the

west of the subject property, would have a depth of approximately 166 feet if measured from N Street, NW, through to St. Matthews Court. Likewise, to the east of the subject property, the property line dividing former Lots 44 and 82 (now both included in Lot 848) would measure 144.40 feet in depth running from N Street, NW, to St. Matthews Court. The subject property has a depth of 100 feet, and, as explained below, would not required the requested relief were its lot depth 105 feet or more.

The physical improvements to the subject property present an additional exceptional condition in that the property is improved with a historic building with a unique and irregular rear façade that has been determined to contribute to the character of the Dupont Circle Historic District. A further unusual circumstance is that the subject building was originally constructed as two separate townhouse structures and subsequently combined, presumably when the property was converted to office use. This history of the building is relevant to an understanding of the inefficient spatial arrangement of the subject building for professional office use, which is a permitted use in the SP Districts. While the two buildings now forming the subject building were presumably constructed at the same time, the buildings expanded differently, leading to the current situation where, for example, the present open area way/court has been created and the western portion of the building is completely constructed to four stories while the eastern portion is only partly developed to four stories. Whereas a number of other historic townhouse buildings in the vicinity have been converted to office use, the combination of two abutting historic

structures, each with a unique development history into a single use, is exceptional among its neighbors.

The confluence of the above factors establishes the subject property as one affected by an exceptional situation or condition sufficient for purposes of the three-prong test for variance relief established in §3103.2. *Gilmartin et al. v. District of Columbia Board of Zoning Adjustment*, 579 A.2d 1164 (1990).

B. The Strict Application of Section 531.1 Would Result in a Practical Difficulty.

Because of the exceptional conditions impacting the subject property, as outlined above, a strict application of the FAR limitations of §531.1 would result in a practical difficulty for the Applicant's project. The Applicant's project is intended simply to enclose the existing areaway/court in the rear of the subject building in an attempt to improve a number of life safety and other spatial deficiencies of the office building. These deficiencies are directly related to physical issues relating to the land and to the historical development of the subject building.

With regard to the exceptional physical characteristics of the land, the comparatively shallow depth of the subject property limits the permissible scope of any proposed rear addition. Thus, while much of the immediate neighborhood is improved with buildings resembling the subject property, the comparatively deeper lots of several of those buildings provides their owners with greater flexibility in undertaking necessary building improvements such as those contemplated in the present application. For purposes of perspective, the subject property is 32.5 feet wide and 100 feet deep. Were the property only five feet deeper, the 2.5 FAR

requirement for the property would generate an additional 406.25 feet, more than sufficient to accommodate the 368 feet of gross floor area for which the Applicant seeks relief.

Likewise, the difficulties created by the location, massing and other aspects of the existing historic building are valid considerations for the Board to consider in determining the practical difficulty faced by the Applicant. "It makes no practical difference whether the inability to use property in accordance with zoning regulations stems from topographical conditions of the land itself or from the existence of a structure on the land." *Clerics of St. Viator, Inc. v. District of Columbia Board of Zoning Adjustment*, 320 A.2d 291, 294. Importantly, the Applicant has no alternative in its choice of location of the addition. The area chosen for the building addition/enclosure represents a location which is the most efficient for the life safety improvement uses contemplated for the addition as well as the least destructive to historic fabric and of minimal visual impact to the historic district.

The Board has already found another property in Square 159 that is improved with a historic building and professional office use deserving of variance relief on the basis that the historic building constitutes a practical difficulty because the lot could not reasonably be enlarged nor the square footage of the structure decreased. (Exhibit I). Whereas that building already exceeded the permitted building density prior to the proposed addition, the Applicant here likewise cannot undertake its proposed life safety improvements within the available zoning enveloped for the subject property. Thus, the present Application shares the practical difficulty with that approved

application in that it is burdened by the fact that its lot cannot be enlarged nor the square footage of its historic structure reduced.

The Board has also recently approved variance relief from §531.1 for a historic building in the SP-1 District that needed to add a handicapped-accessible elevator in "dead space" on the property.(Exhibit J). In that case, the Board took note of the practical difficulty of trying to incorporate such life safety and accessibility improvements into a historic building. The present Application shares the difficulty in attempting to improve life-safety and accessibility in a historic building, improvements which require the applicant to enclose "dead space" rather than to undertake significant demolition of a historic building; affecting a very slight increase in building density that permitted in the SP-1 District.

For all the above reasons, the strict application of §531.1 of the Zoning Regulations would work a practical difficulty upon the Applicant, in that it would effectively prevent the Applicant from updating the existing historic building to accommodate improved emergency egress, handicapped accessibility and spatial efficiency.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan.

Finally, the Applicant's proposal satisfies the third requirement for variance relief under the Regulations, namely, that the relief can be provided without detriment either to the public good or to the zone plan. As a result of the support the Applicant has received from ANC 2B, the Dupont Circle Conservancy and the staff of

the HPRB for its proposed project, and the fact that the addition and related building renovation is proposed to improve life safety and similar issues, the Application will not work a detriment to the public good. Likewise, because the addition will not be increasing traffic and because the use of the building is permitted in the SP District, the Application will not impair the intent, purpose or integrity of the zone plan

As stated above, the driving force behind the Applicant's proposed addition is the enclosure of the current areaway in order to replace the existing required emergency fire stair which is attached to the exterior of the rear of the building with a new interior emergency egress stairwell. The enclosure at the first floor level, as part of the larger building renovation, will also allow for the creation of a handicapped-accessible restroom. These two improvements are expected to account for approximately 460 square feet of the renovated building. Most importantly, the new fire-rated rear stairwell will supplement and vastly improve egress and life safety in the building, which is now served only by a pair of narrow stairwells inside the building and the metal emergency exterior fire stair. The areaway enclosures on each floor and the addition to the fourth floor will likewise improve the spatial arrangement of the building and consequently the enjoyment/livelihood of the occupants of the building.

These improvements are proposed to be made with only the slightest of increases to the footprint of the existing building, specifically by enclosing the ill-configured rear of the building. Consequently, only a *de minimis* addition of office

space is being undertaken with this very small building addition project, largely as a result of a more efficient layout of space created by the interior renovation of the building. There will be no increase in employees or traffic as a result of this proposal.

Likewise, the public good is additionally being protected by the numerous community and historic preservation-related reviews the proposed project has undergone. These reviews will insure that the architectural integrity of the building and the larger historic district are protected.

The proposed addition will likewise not result in any substantial detriment to the integrity of the zone plan or the Zoning Regulations and Maps. For all the above reasons, variance relief can be granted without harm to the public good or to the zone plan.

VII.
Witnesses

A. Representative of the Applicant, 1742 N Street Co., LLC.

B. Charles Perla, Project Architect.

C. Steven E. Sher, Planning Expert.

VIII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standards of special exception and variance relief under §§3104 and 3103 of the Zoning Regulations, respectively. The Applicant therefore requests that the Board grant the Application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

2099 Pennsylvania Avenue, NW,
Suite 100
Washington, D.C. 20006
(202) 955-3000

October, 2001

WAS1 #1019504 v1

A

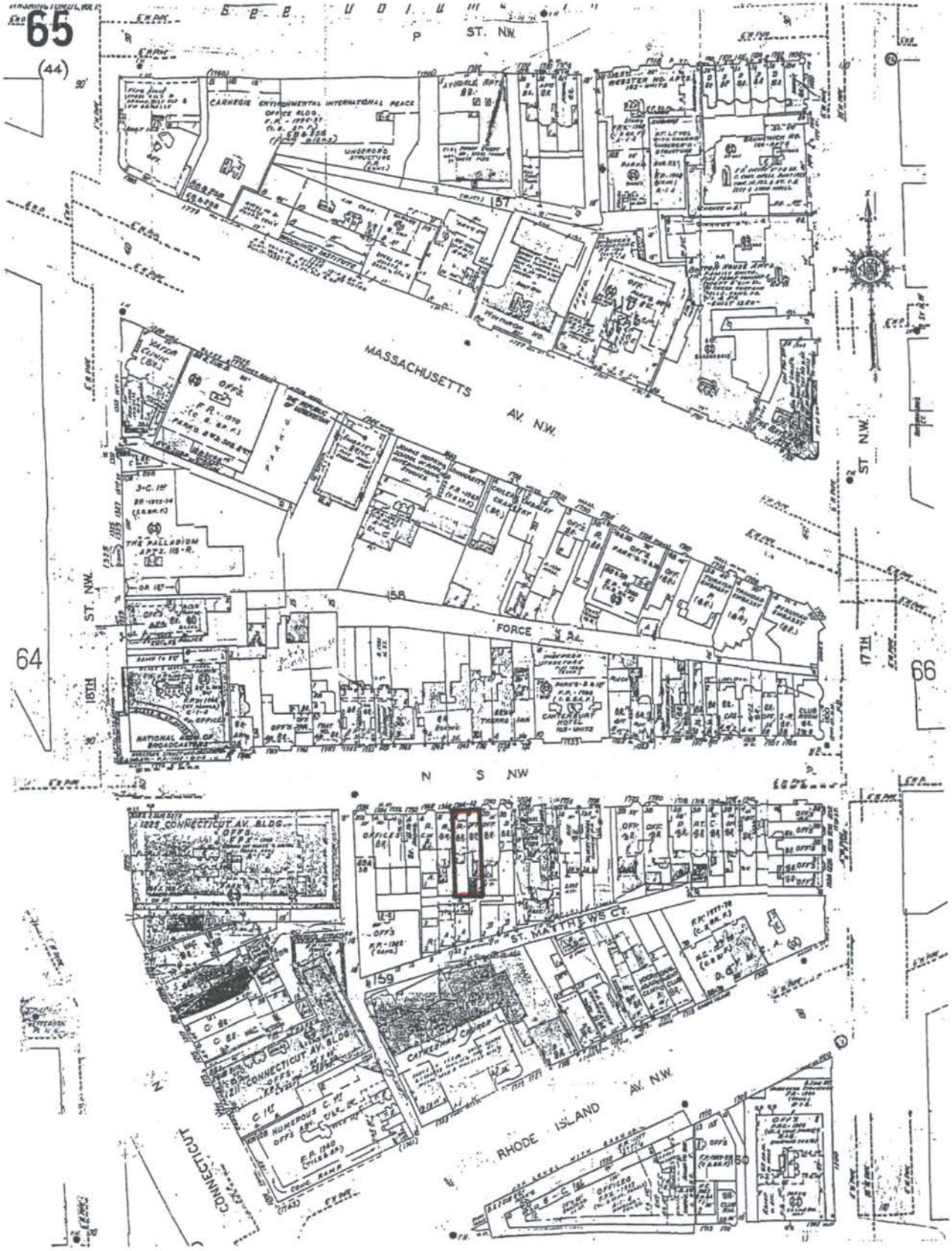


Exhibit A (1 of 3)

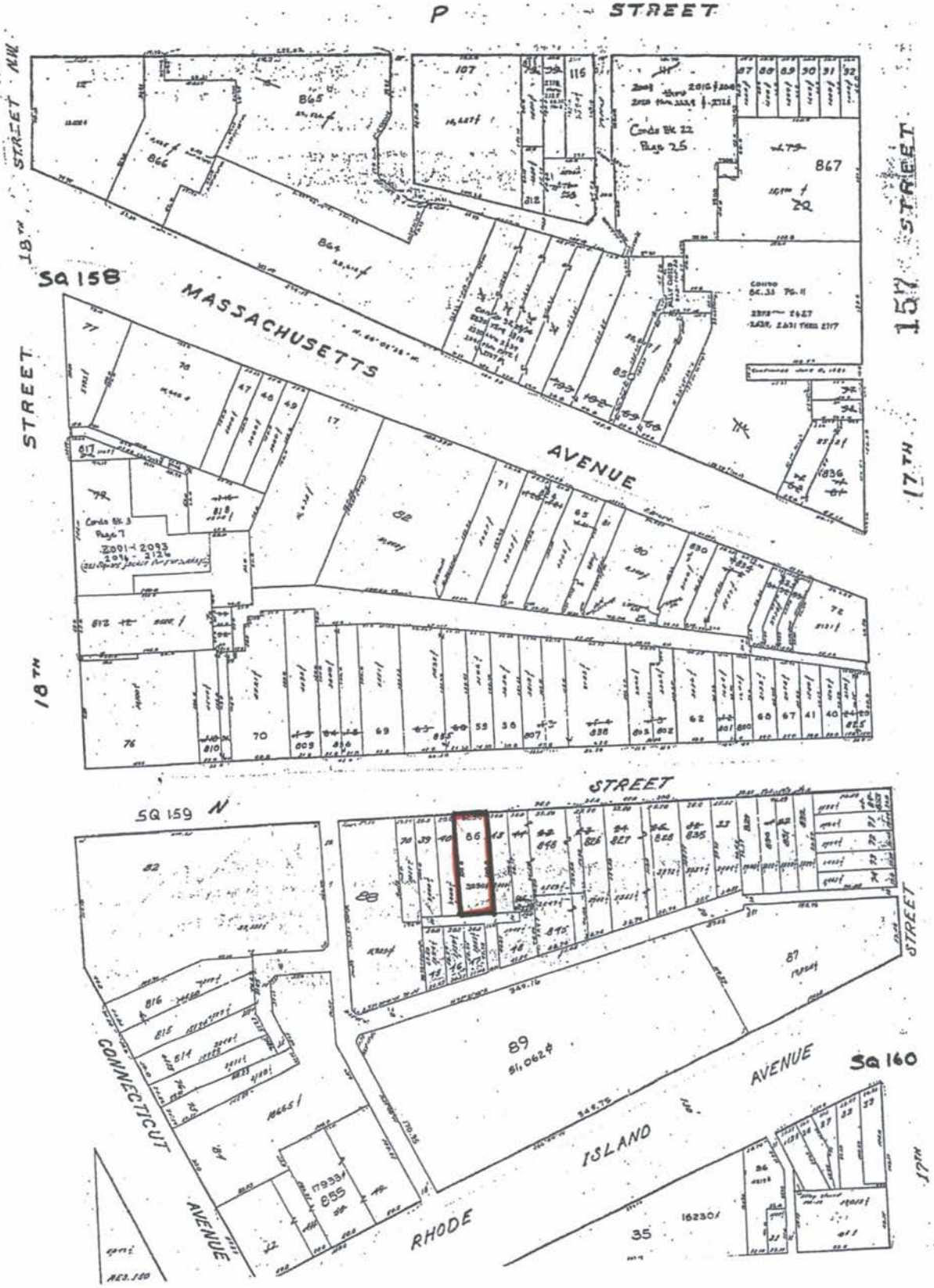


Exhibit A (2 of 3)

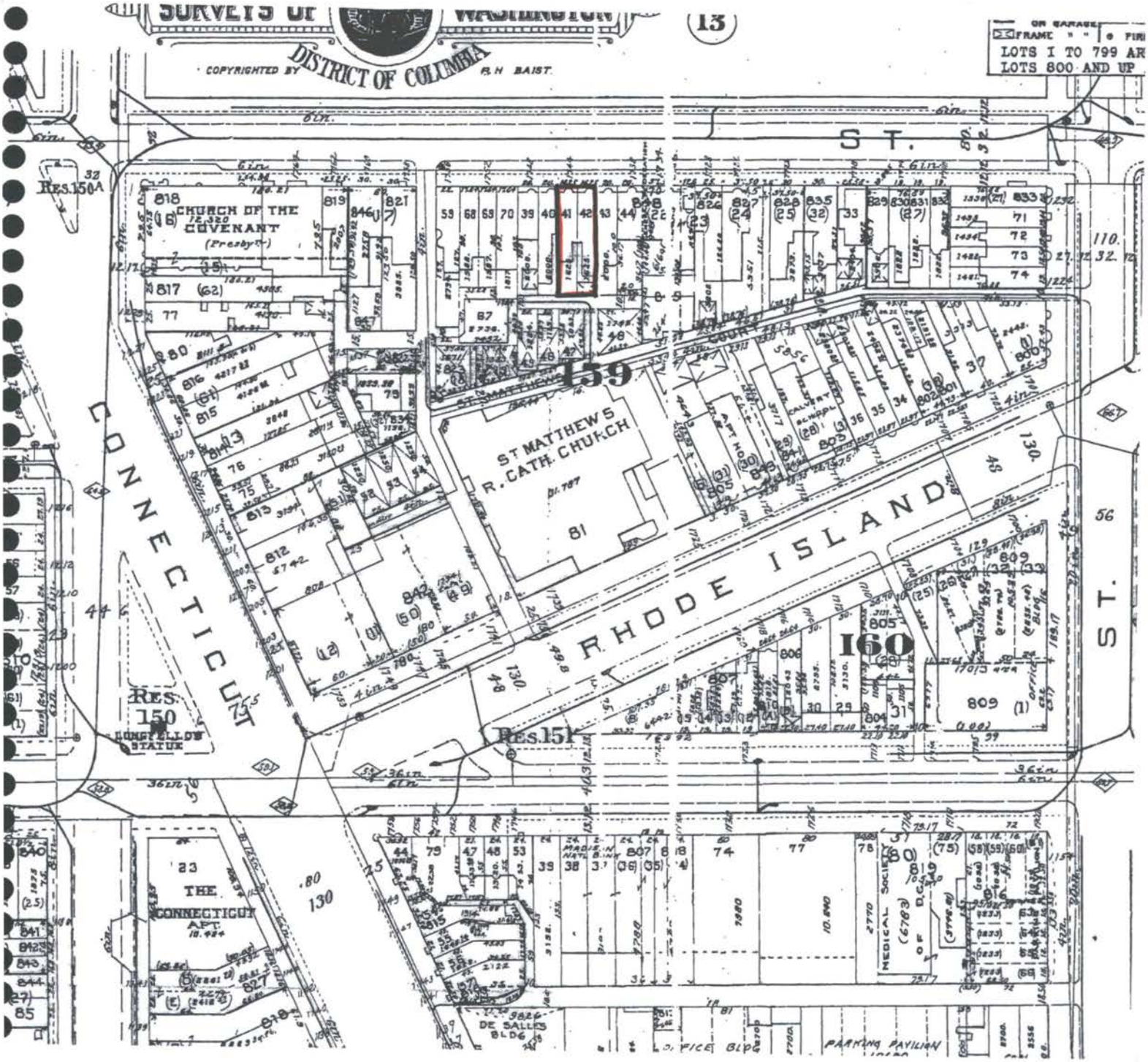


Exhibit A (3 of 3)



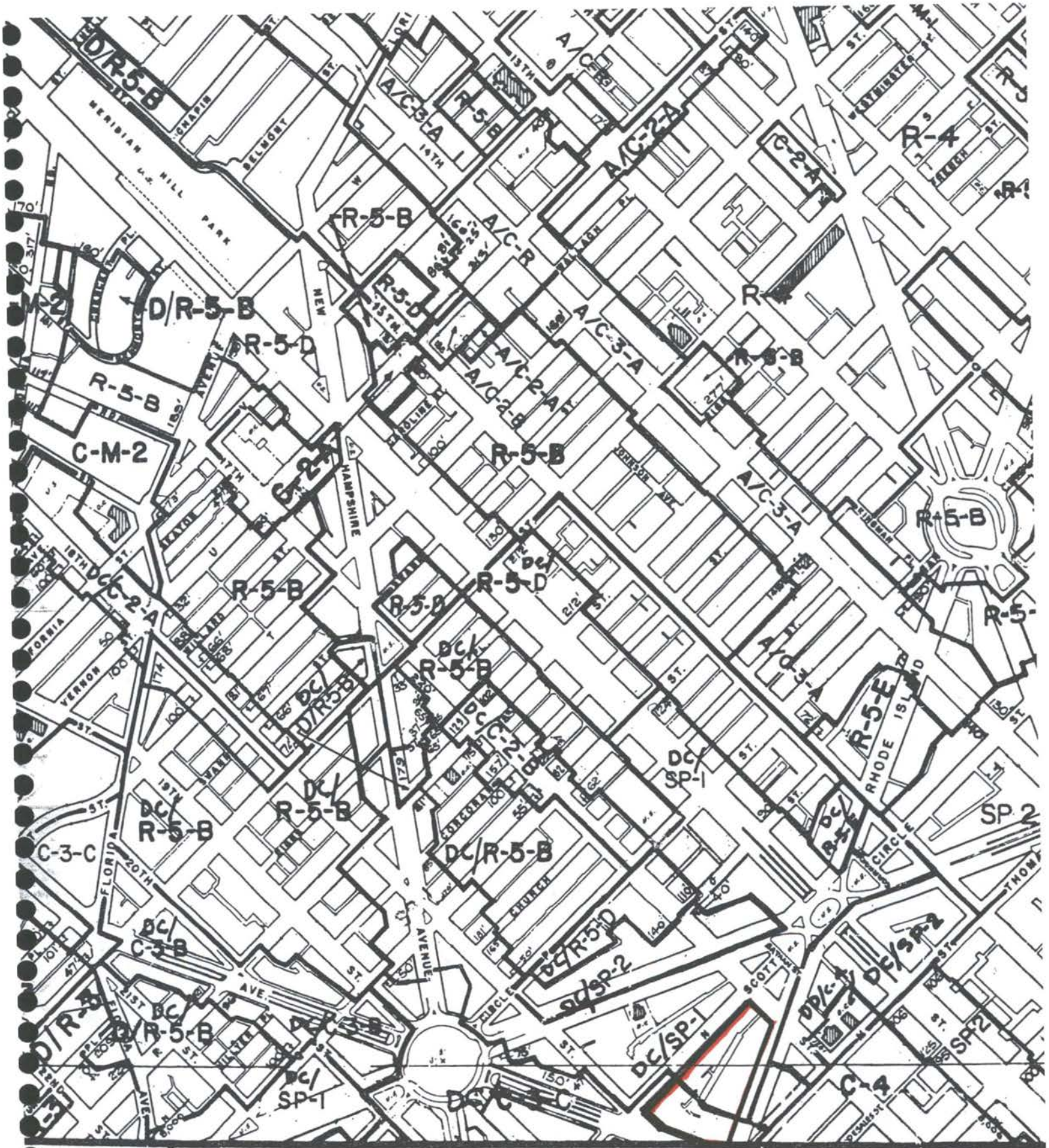

D/R-5-B
MERIDIAN HILL PARK
GRADIN
BELMONT
A/C-3-A
A/C-2-A
R-5-B
R-5-D
D/R-5-B
C-M-2
C-2-A
HAMPSHIRE
R-5-B
R-5-D
DC/R-5-B
DC/SP-1
DC/SP-2
DC/R-5-D
C-3-C
C-3-B
C-4
SP-2
R-5-E
RHODE ISLAND CIRCLE
SCOTT CIRCLE
FLORIDA AVENUE
17TH
18TH
19TH
20TH
21ST
VERNON
FORBIS
1200 FEET
DIS
ZO
mmission

Exhibit B



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., AUGUST 8, 2001

Plat for Building Permit of SQUARE 159 LOT 86

Scale: 1 inch = 20 feet Recorded in Book 163 Page 169

Receipt No. 004920

Furnished to: RAMCO DC INC.

Surveyor, D.C.

By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 8.10.2001

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

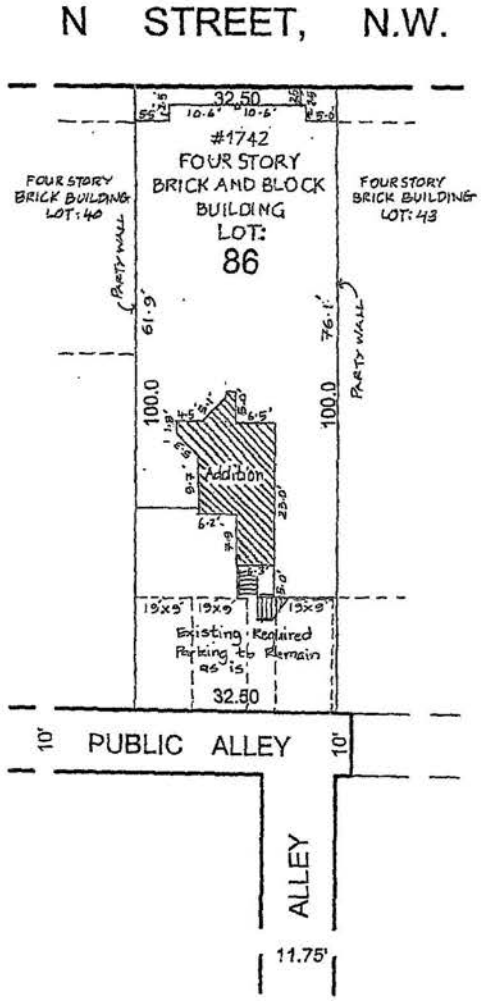


Exhibit C



SHAPIRO, LIFSCHITZ & SCHRAM
1742 'N' STREET, NW, WASHINGTON D.C.
BUILDING RENOVATION

Proposed Building Information

Governing code:	BOCA 1996 & LIFE SAFETY, NFPA 101, 2000
Use group:	B - BUSINESS
Building construction:	MASONRY/WOOD
Fire suppression system:	N/A
Monitor location:	N/A
Standard ceiling height:	VARIES
Occupancy load:	90
Number of floors in building:	FOUR

Zoning Data

Building Location:	LOT 86, SQUARE 159
Zoned:	DC-SP1
Lot Area:	3,250 SF
FAR:	2.5
Allowable Area:	8,125 SF
Existing Total	7,864 SF
1st Floor: (Proposed)	1,732 SF
2nd Floor: (Proposed)	2,287 SF
3rd Floor: (Proposed)	2,237 SF
4th Floor: (Proposed)	2,237 SF
Proposed Total	8,493 SF
Parking:	(3) Spaces Existing and Provided
	(3) Spaces Required and Provided
Loading Dock:	No Loading Dock
Allowable Penthouse:	No Penthouse
Height of Building:	42'-9" from the Sidewalk to Roof at Front Facade

Drawing List

00-G01 - BUILDING AND ZONING DATA

00-S01 - EXISTING BUILDING AND SITE BOUNDARIES
00-S02 - NEW PROPOSED BUILDING BOUNDARIES

01-E01 - EXISTING FIRST FLOOR ARCHITECTURAL PLAN
02-E01 - EXISTING SECOND FLOOR ARCHITECTURAL PLAN
03-E01 - EXISTING THIRD FLOOR ARCHITECTURAL PLAN
04-E01 - EXISTING FOURTH FLOOR ARCHITECTURAL PLAN
0R-E01 - EXISTING ROOF ARCHITECTURAL PLAN

01-A01 - NEW PROPOSED FIRST FLOOR ARCHITECTURAL PLAN
02-A01 - NEW PROPOSED SECOND FLOOR ARCHITECTURAL PLAN
03-A01 - NEW PROPOSED THRID FLOOR ARCHITECTURAL PLAN
04-A01 - NEW PROPOSED FOURTH FLOOR ARCHITECTURAL PLAN
0R-A01 - NEW PROPOSED ROOF ARCHITECTURAL PLAN

00-C01 - EXISTING AND NEW LONGITUDINAL BUILDING SECTION

00-V01 - EXISTING AND NEW PROPOSED REAR ELEVATIONS

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.25.2001
Drawing Scale: NA
Drawn By: A. De Costa

1 Zoning Review 07.30.2001

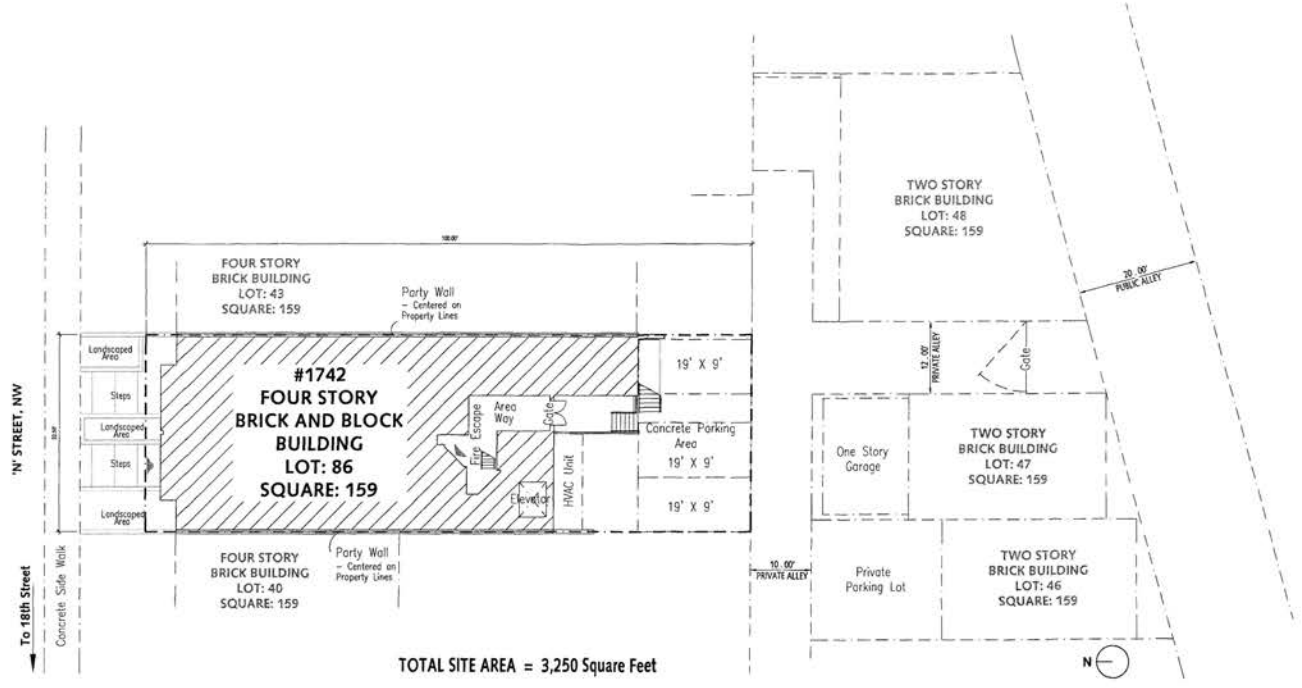
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

PROJECT INFORMATION

BUILDING AND ZONING DATA

00-G01



TOTAL SITE AREA = 3,250 Square Feet

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/16"=1'-0"
Drawn By: A. De Costa

1. Zoning Review 07.30.2001

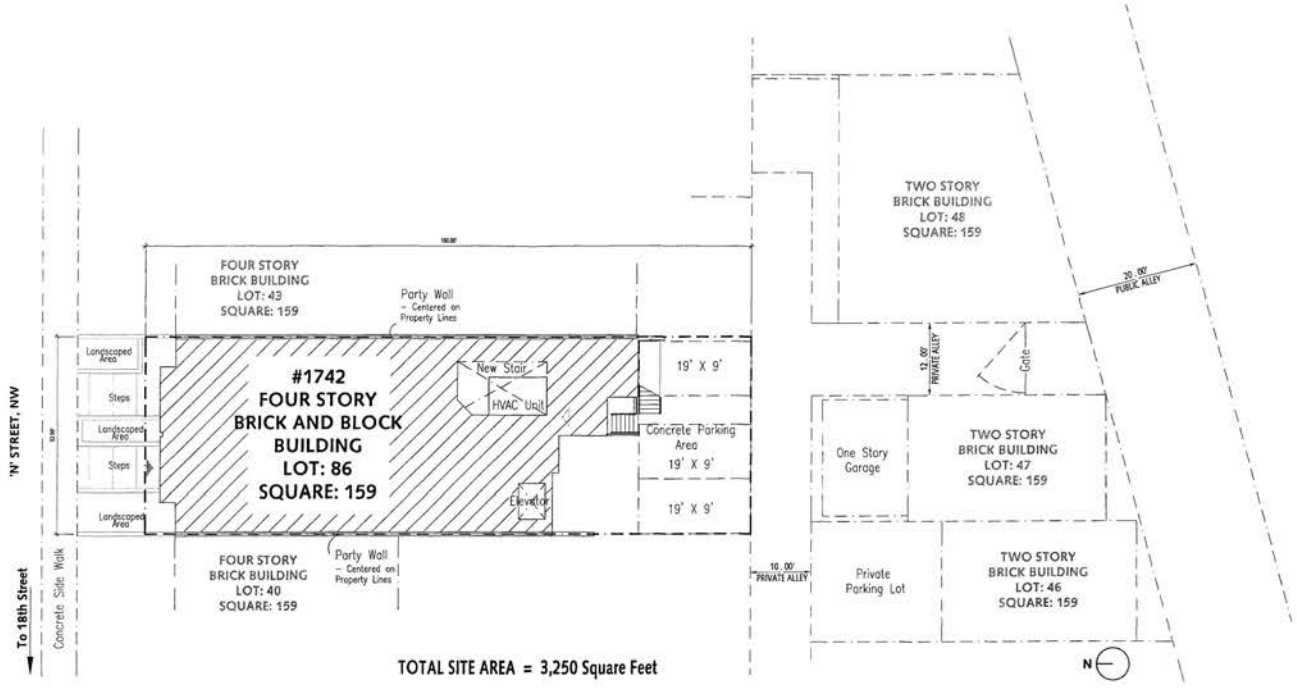
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

SITE PLAN

EXISTING BUILDING & SITE BOUNDARIES

00-S01



GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/16"=1'-0"
Drawn By: A. Di Costa

1. Zoning Review 07.30.2001

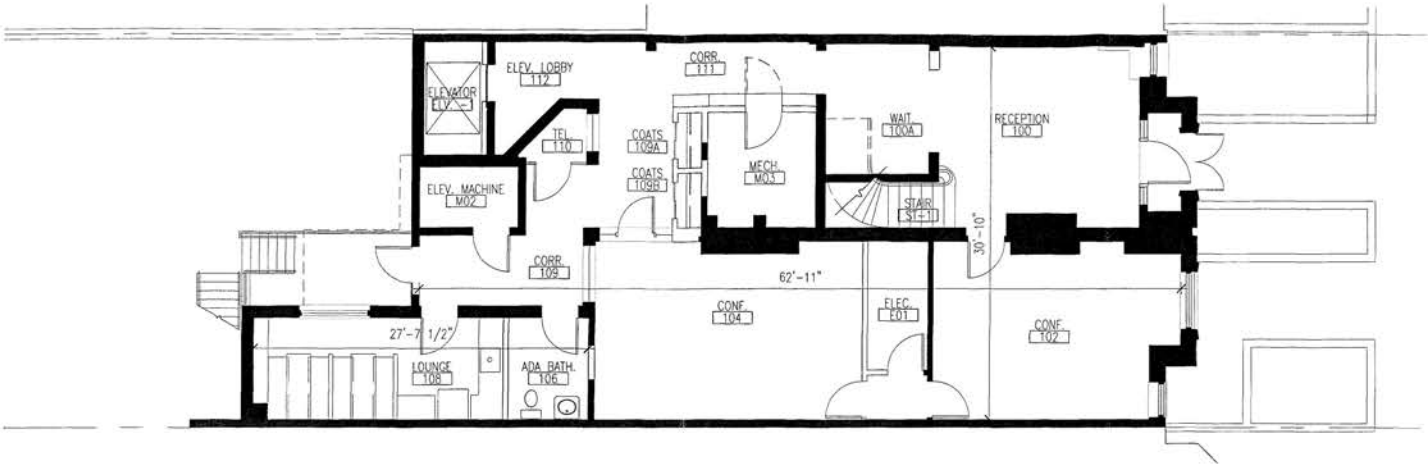
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

SITE PLAN

NEW PROPOSED BUILDING BOUNDARIES

00-S02



EXISTING 1ST FLOOR GROSS	2,076 SF
1ST- FLOOR AREAWAY	84 SF
1ST- FLOOR FIRE ESCAPE	65 SF
ADDITIONAL FLOOR GROSS	149 SF
TOTAL 1ST FLOOR GROSS	**2,225 SF**

1ST- FLOOR AREAWAY	84 SF
1ST- FLOOR FIRE ESCAPE	65 SF
2ND- FLOOR NEW STAIR	25 SF
2ND- FLOOR GLASS/METAL ADD.	146 SF
2ND- FLOOR FIRE ESCAPE	94 SF
3RD- FLOOR NEW STAIR	30 SF
3RD- FLOOR GLASS/METAL ADD.	91 SF
3RD- FLOOR FIRE ESCAPE	91 SF
4TH - FLOOR NEW STAIR	109 SF
4TH - FLOOR GLASS/METAL ADD.	296 SF
4TH - FIRE ESCAPE.	91 SF
ADDITIONAL BUILDING GROSS	1,122 SF

EXISTING BUILDING GROSS	7,864 SF
ADDITIONAL BUILDING GROSS	1,122 SF
TOTAL BUILDING GROSS	8,986 SF
DEDUCTIONS	
MECHANICAL ROOMS	228 SF
CELLAR AREA	265 SF
TOTAL DEDUCTIONS	493 SF
APPLICABLE GROSS AREA	**8,493 SF**
2ND-4TH FLOOR NEW STAIR @ 135SF	405 SF
1ST- FLOOR ADA BATH	55 SF
TOTAL	460 SF
1ST-4TH FLOOR FIRE ESCAPE	341 SF

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: A. De Costa

1. Zoning Review 07.30.2001

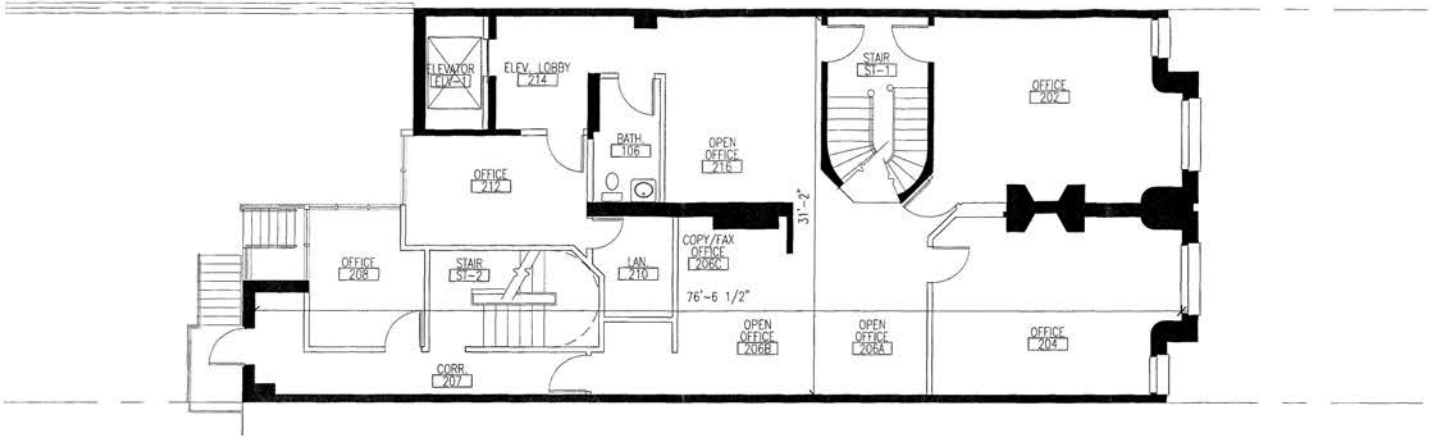
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

FIRST FLOOR

NEW ARCHITECTURAL PLAN

01-A01



EXISTING FLOOR GROSS	2,022 SF
2ND- FLOOR NEW STAIR	25 SF
2ND- FLOOR GLASS/METAL ADD.	146 SF
2ND- FLOOR FIRE ESCAPE	94 SF
ADDITIONAL FLOOR GROSS	265 SF
TOTAL FLOOR GROSS	**2,287 SF**

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.29.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: T. Carper

1. Zoning Review 07.30.2001

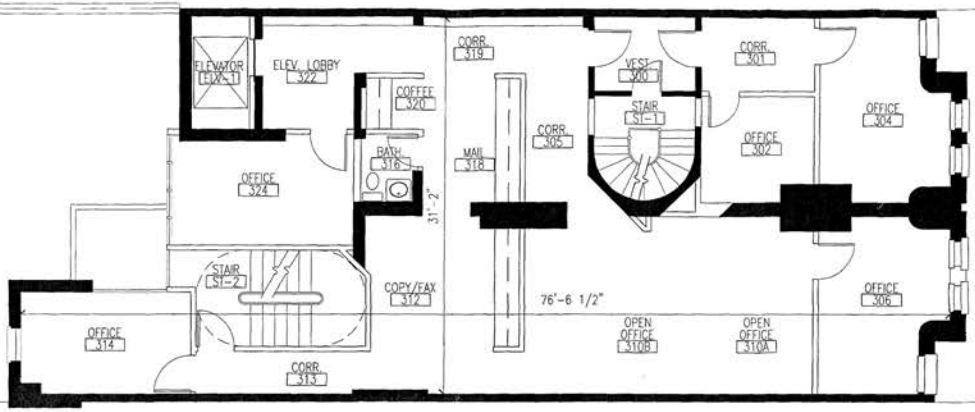
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

SECOND FLOOR

NEW ARCHITECTURAL PLAN

02-A01



EXISTING FLOOR GROSS	2,025 SF
3RD- FLOOR NEW STAIR	30 SF
3RD- FLOOR GLASS/METAL ADD.	91 SF
3RD- FLOOR FIRE ESCAPE	91 SF
ADDITIONAL FLOOR GROSS	212 SF
TOTAL FLOOR GROSS	**2,237 SF**

Consultant

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Drawing Info.

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: T. Carder

Issue Record

1. Zoning Review 07.30.2001

Revisions

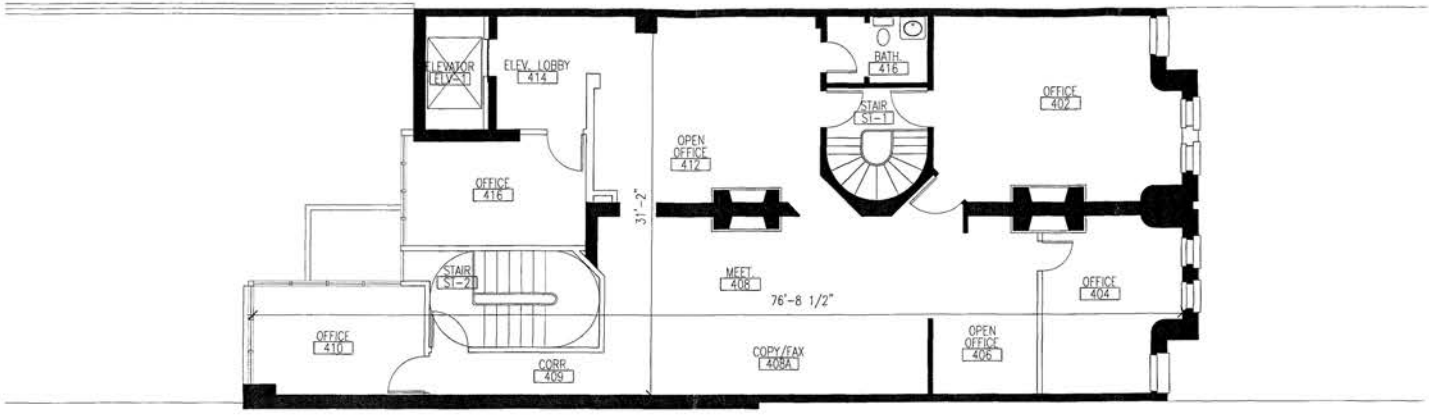
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

THIRD FLOOR

NEW ARCHITECTURAL PLAN

03-A01



EXISTING FLOOR GROSS	1,741 SF
4TH - FLOOR NEW STAIR	109 SF
4TH - FLOOR GLASS/METAL ADD.	296 SF
4TH - FIRE ESCAPE.	91 SF
ADDITIONAL FLOOR GROSS	496 SF
TOTAL FLOOR GROSS	**2,237 SF**

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: T. Carden

1. Zoning Review 07.30.2001

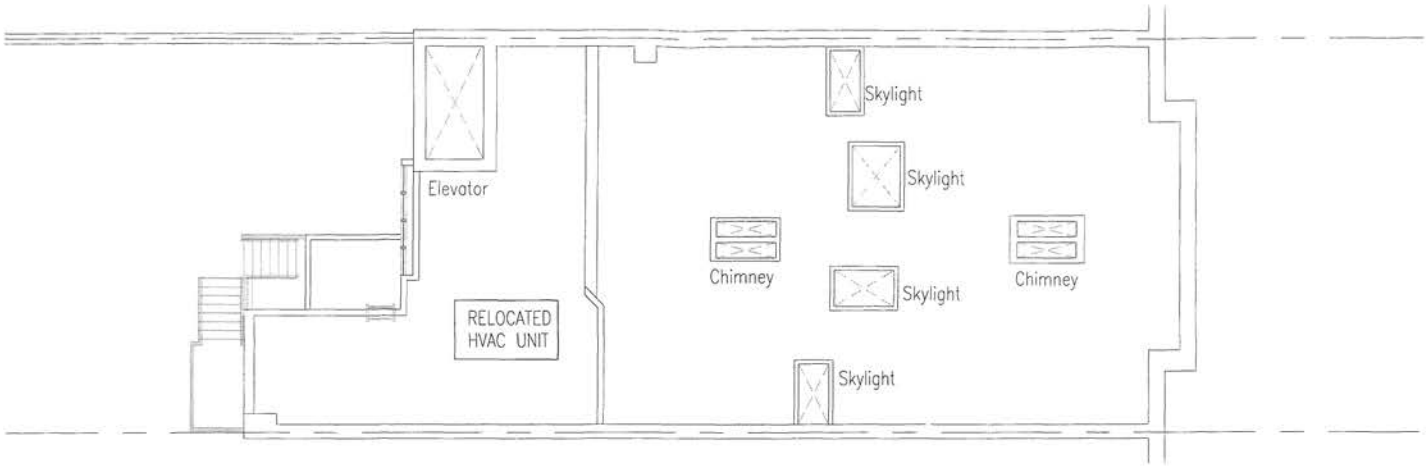
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

FOURTH FLOOR

NEW ARCHITECTURAL PLAN

04-A01



GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: T. Castle

1. Zoning Review 07.30.2001

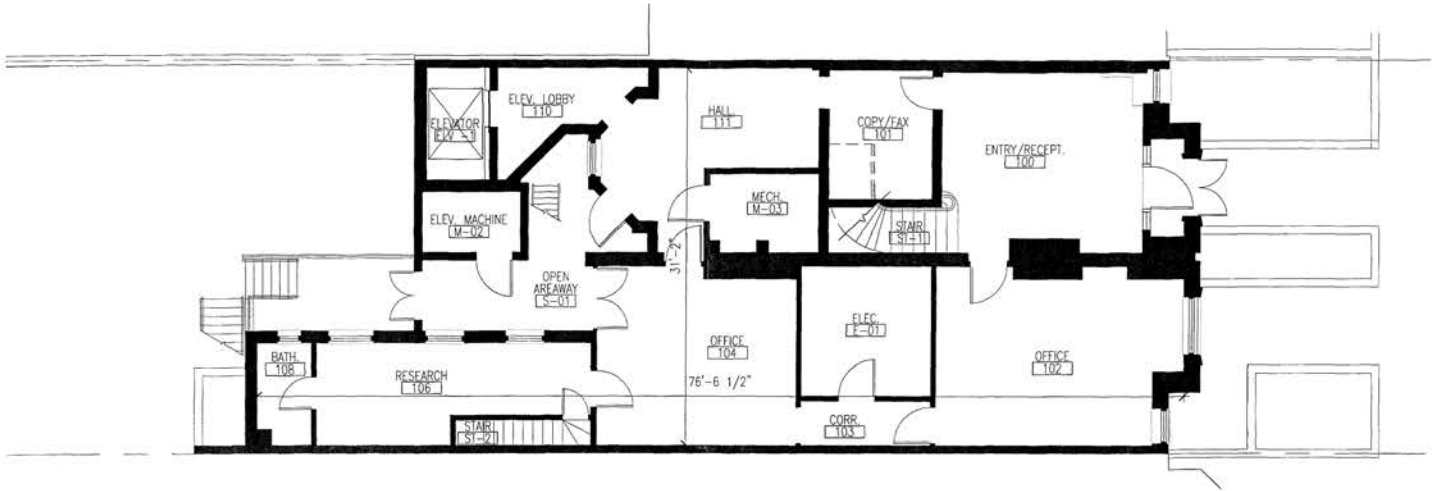
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

ROOF PLAN

NEW ARCHITECTURAL PLAN

0R-A01



GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: A. De Costa

1. Zoning Review 07.30.2001

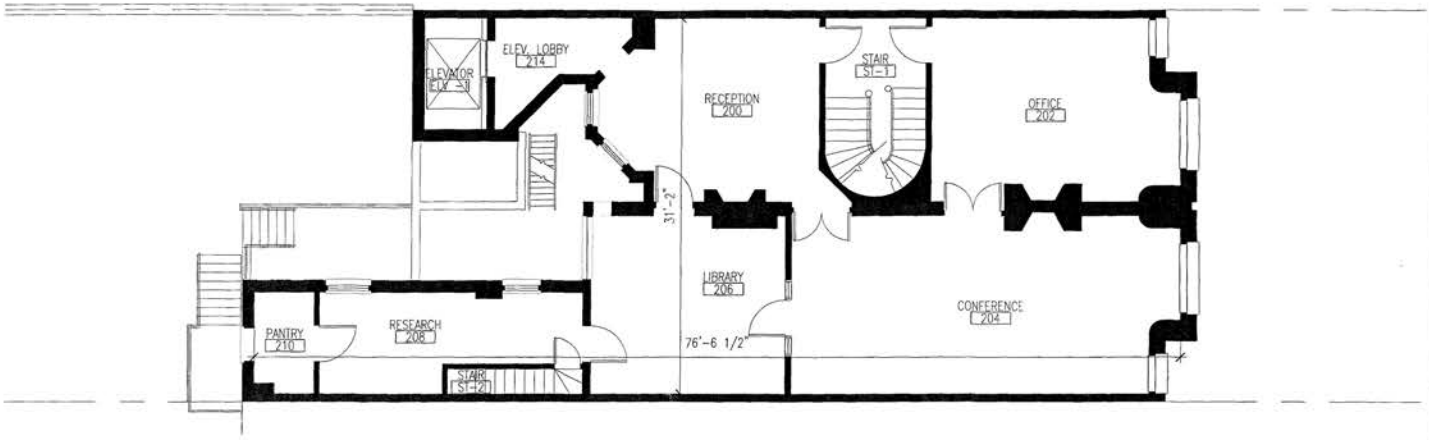
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

FIRST FLOOR

EXISTING ARCHITECTURAL PLAN

01-E01



GROUP GOETZ ARCHITECTS

Consultant

DMS | PERLA
Design Management

Drawing Info.

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: A. De Costa

Issue Record

1. Zoning Review 07.30.2001

Registration

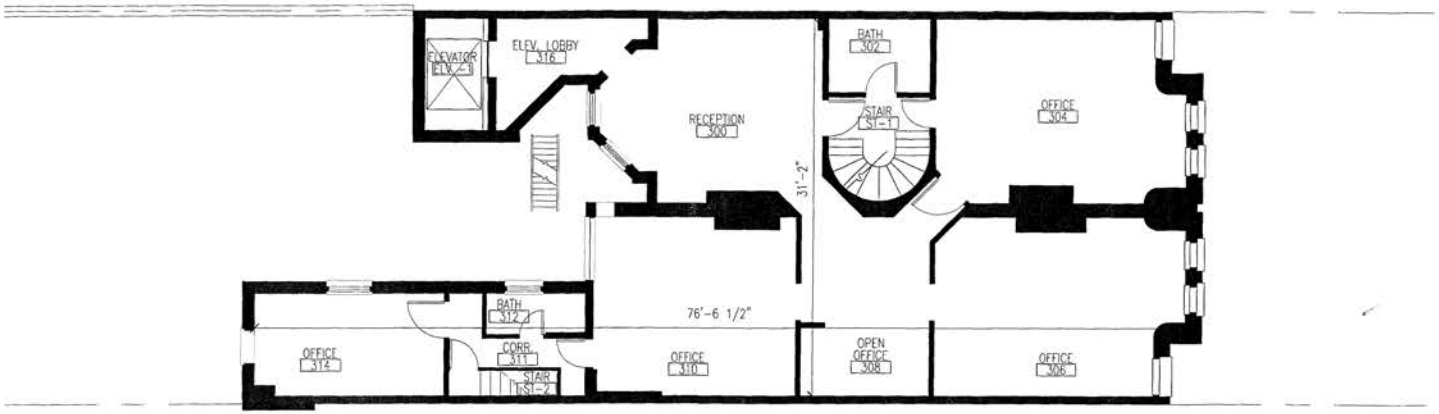
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

SECOND FLOOR

EXISTING ARCHITECTURAL PLAN

02-E01



GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:	
Drawing Date:	07.23.2001
Drawing Scale:	1/8"=1'-0"
Drawn By:	A. De Costa

1. Zoning Review 07.30.2001

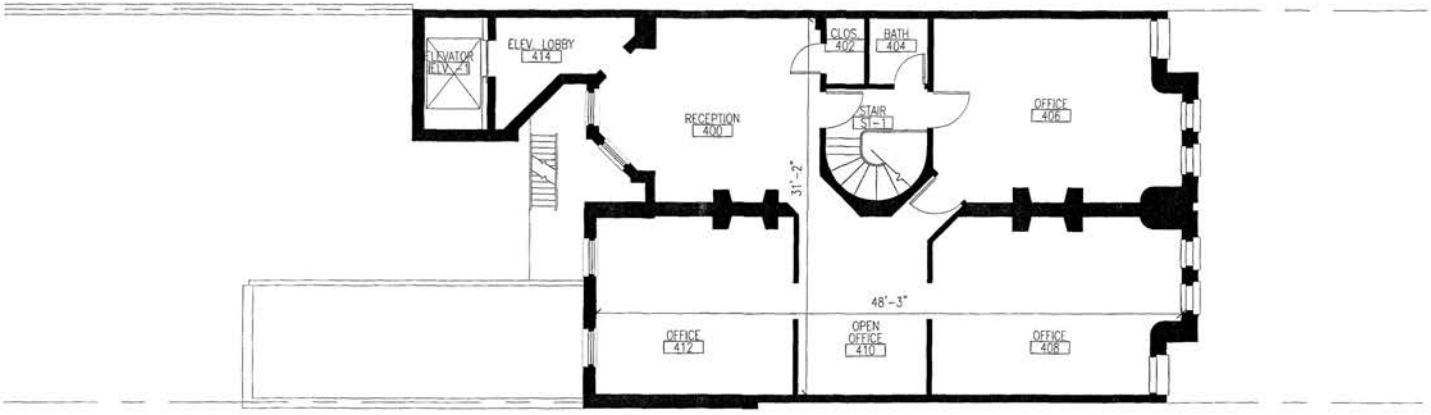
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

THIRD FLOOR

EXISTING ARCHITECTURAL PLAN

03-E01



GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.27.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: A. De Costa

1. Zoning Review 07.30.2001

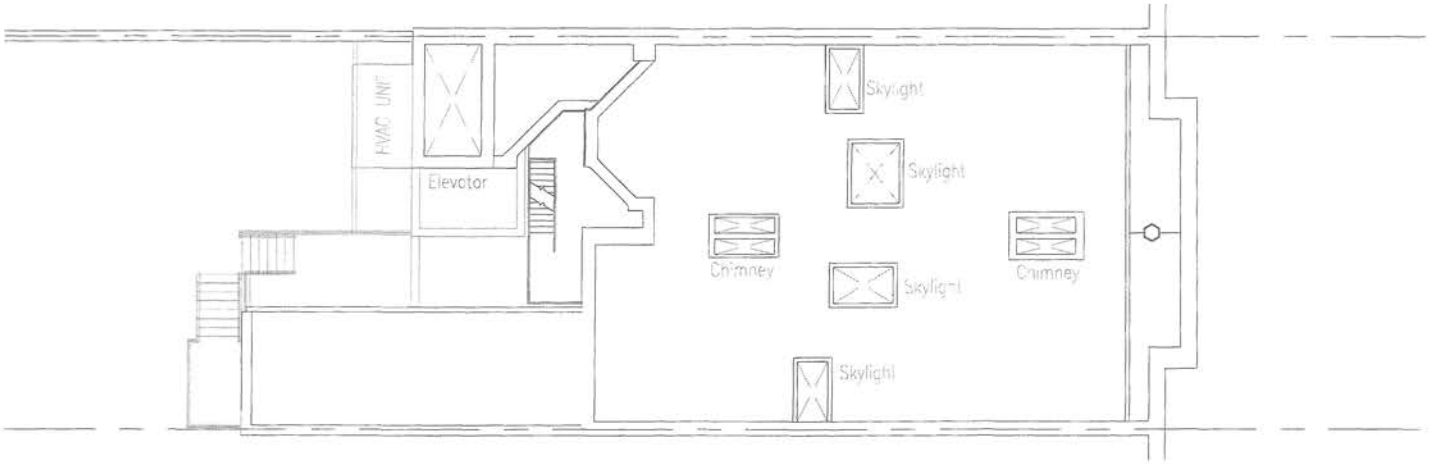
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

FOURTH FLOOR

EXISTING ARCHITECTURAL PLAN

04-E01



GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.23.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: A. De Costa

Issue Record		
1	Zoning Review	07.30.2001

SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

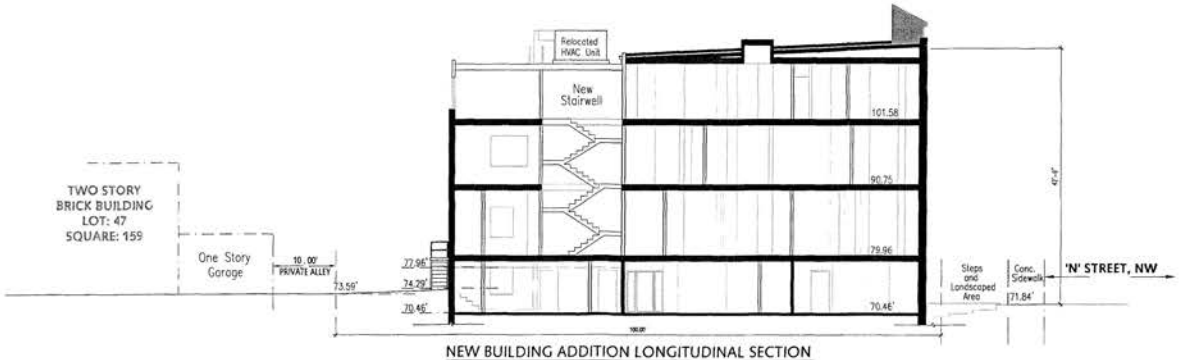
ROOF PLAN

EXISTING ARCHITECTURAL PLAN

0R-E01



EXISTING BUILDING LONGITUDINAL SECTION



NEW BUILDING ADDITION LONGITUDINAL SECTION

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.27.2001
Drawing Scale: 1/16"=1'-0"
Drawn By: A. Di Costa

1. Zoning Review 07.27.2001

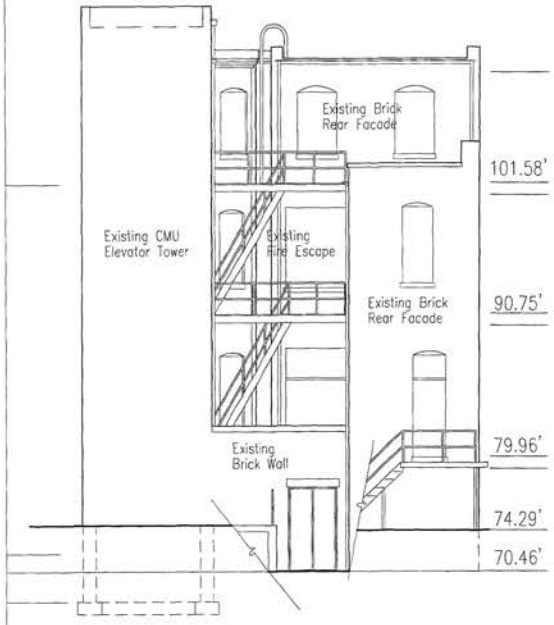
SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

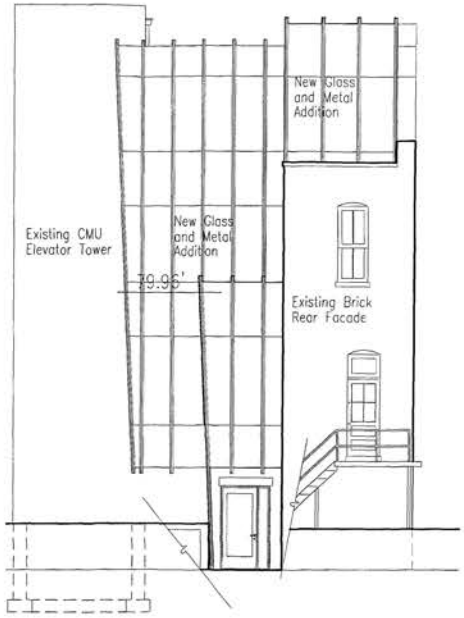
LONGITUDINAL SECTION

EXISTING AND NEW BUILDING SECTIONS

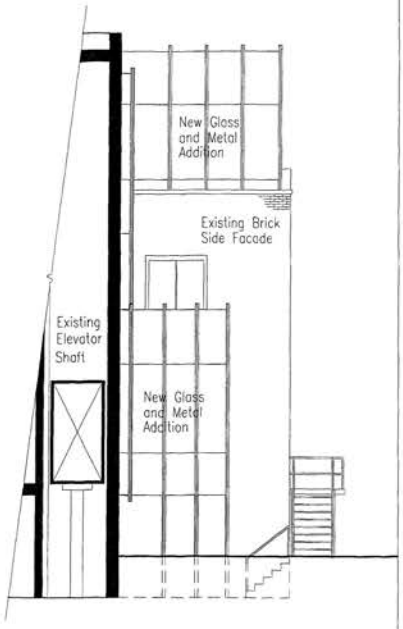
00-C01



EXISTING BUILDING ELEVATION - REAR VIEW



NEW BUILDING ADDITION ELEVATION - REAR VIEW



NEW BUILDING ADDITION ELEVATION - SIDE VIEW

GROUP GOETZ ARCHITECTS

DMS | PERLA
Design Management

Quality Assurance:
Drawing Date: 07.25.2001
Drawing Scale: 1/8"=1'-0"
Drawn By: T. Carder

1. Zoning Review 07.30.2001

SHAPIRO, LIFSCHITZ & SCHRAM

1742 N. Street, NW
Washington, D.C.

REAR ELEVATION

EXISTING V/S NEW ELEVATIONS

00-V01



Exhibit E

Form ED-P-601

CERTIFICATE OF OCCUPANCY

No. B 93755

Washington, D.C., May 13, 19 76

Permission is hereby granted to 1742 N STREET COMPANY

to use the All floor(s) of the building located on Lot 86 Square 159

known as premises 1742-44 N STREET, N. W. for the following

purpose(s): Law ~~Offices~~ Offices

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

DEP'T. OF ECONOMIC DEVELOPMENT, GOV'T. OF DIST. OF COL.

ZONE SP

FEE $ 16.00

Chief, Permit Branch

By [signature]
Permit Clerk

F

OUTLINE OF TESTIMONY
REPRESENTATIVE OF 1742 N STREET CO., LLP

I. INTRODUCTION

II. OWNERSHIP HISTORY OF SITE

III. DESCRIPTION OF SITE AND VICINITY

IV. DESCRIPTION OF PROPOSED ADDITION

V. SPECIAL EXCEPTION AND VARIANCE RELIEF IS NEEDED

VI. CONCLUSION

OUTLINE OF TESTIMONY
CHARLES PERLA, ARCHITECT

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

- A. Overview of Site, Vicinity and Land Use/Zoning
- B. Site Planning – size, configuration, historic preservation

III. PROJECT DESIGN

- A. Design Considerations
- B. Review of Mass and Height of Addition
- C. Floor Plans
- D. Historic Preservation

IV. COMMUNITY SUPPORT

- A. Historic Preservation Review Board
- B. Advisory Neighborhood Commission 2B

V. CONCLUSION

Exhibit G

H

OUTLINE OF TESTIMONY
STEVEN E. SHER
DIRECTOR OF LAND USE SERVICES
HOLLAND & KNIGHT LLP

I. SITE LOCATION AND DESCRIPTION

II. DESCRIPTION OF SURROUNDING AREA

III. EXISTING ZONING: SP-1

- A. Uses
- B. Height
- C. Density
- D. Rear Yard
- E. Side Yard
- F. Parking

IV. ZONING HISTORY OF SUBJECT PROPERTY

V. PROPOSED PROJECT

VI. RELIEF REQUIRED

- A. Special Exception from §508.1 – Addition to an Existing Office Use
- B. Variance from §531 – Floor Area Ratio

VII. COMPLIANCE WITH STANDARDS FOR SPECIAL EXCEPTION AND VARIANCE RELIEF

VIII. CONCLUSION



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14313 of 1226 Seventeenth Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the subject premises as offices for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person and for a variance from the floor area ratio requirements (Sub-section 4301.1) in an SP-1 District at premises 1226 - 17th Street, N.W., (Square 159, Lot73).

HEARING DATE: July 17, 1985
DECISION DATE: September 4, 1985

FINDINGS OF FACT:

1. The subject site is located on the west side of Seventeenth Street, N.W. between Rhode Island and N Street and is known as premises 1226 17th Street, N.W. It is zoned SP-2.

2. The site contains approximately 1422.1 square feet of lot area. The lot is rectangular in shape with a frontage of 18.50 feet along 17th street, and a depth of 76.87 feet.

3. The subject site is improved with a three story brick structure which was constructed in 1900.

4. The subject building is the second in a row of five adjoining structures, four of which are presently being used as offices. The subject structure is vacant.

5. The applicant proposes to restore the existing structure and to use it as offices for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person.

6. The proposed use requires a special exception and a variance from the FAR requirements.

7. Paragraph 4101.44 of the Zoning Regulations authorizes the Board to grant a special exception allowing the proposed use provided that:

A. The use, height, bulk and design are in harmony with the existing uses and structures on neighboring property;

B. The use will not create dangerous or other objectionable traffic conditions; and

C. The Board may require such special treatment in the way of design, screening of buildings, access, uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property.

8. One of the applicant's principals is the owner of a structure adjacent to the subject site known as premises 1224 17th Street, N.W. That structure is occupied by a law firm and has been dedicated to professional office use since the mid-1960's.

9. The applicant proposes to use the subject structure as offices to provide more space for the law firm at 1224 17th Street, N.W. No new employees will be hired. The occupants of the proposed project already work at the adjacent site.

10. The law firm will occupy the top two floors of the subject structure. Each floor will accommodate two offices.

11. Eventually the applicant intends to expand the law practice to occupy the entire subject structure.

12. The ground floor and basement of the subject structure will be leased for SP office uses as listed under Paragraph 4101.44.

13. The applicant's clients are generally from out-of-town and will arrive for scheduled appointments at the site by taxi or limousine. There would be very little client traffic to the site.

14. The normal hours of operation of the proposed use will be from 9:00 A.M. to 6:00 P.M. Monday through Friday.

15. There will be no sign on the front of the subject site indicating its use.

16. The subject structure is located in the Dupont Circle Historic District. It has been determined by the staff of the Historic Preservation Review Board that the structure contributes to the character of the Historic District. Plans call for the rehabilitation of the subject structure to be conducted in accordance with the Guidelines for Historical Structures promulgated by the U.S. Department of the Interior. Original materials will be used where

possible. The original architect's floor and room plans will be respected and preserved, and except where required by a superseding fire or other safety regulation there will be no additions to or modifications of the building exterior.

17. An outside firestair at the rear of the subject structure will be provided as required by the building code.

18. The structures on seventeenth Street between Rhode Island Avenue and N Street include a YMCA, a law firm a doctor's office, and an education research association. Across the street from the subject site is the Governor's House hotel.

19. An air-conditioning contractors association is adjacent to one side of the subject site.

20. There are no residences within 200 feet of the subject site.

21. Seventeenth street is a heavily traveled thoroughfare with metered curb parking during rush hour. Public transportation to the site is readily available including buses and subway. Due to the type of the applicant's clientele, the proposed use should not result in a perceptible alteration of existing traffic patterns and density in the immediate area.

22. The applicant will provide two parking space at the rear of the subject site. Two parking spaces are required by the Zoning Regulations. Of the current employees three use the metro. Those driving to the site will occupy the said two spaces or a nearby parking lot.

23. The existing structure contains 3,872.58 square feet of floor area. The Zoning Regulations permit a structure of only 3,555.25 square feet. The floor area ratio is 2.5 for the subject site.

24. A variance of 317.33 square feet or 8.93 percent is requested by the applicant.

25. The subject structure predates the current Zoning Regulations of May 12, 1958.

26. Adverse ownership of adjacent lots and a public alley to the rear of the subject site preclude the applicant from aquiring additional land area for the lot.

27. A portion of the subject structure would have to be removed in order to meet the required FAR. Removal of a portion of the structure is not practical since the original front and rear facades are intact and the site is located in a historic district.

28. By memorandum dated July 10, 1985, the Office of Planning recommended approval of this application provided the Historic Preservation Review Board approves the applicant's proposal. The Office of Planning was of the opinion that the applicant complies with Paragraphs 4401.44 and 8207.11 and Sub-section 8207.2 of the Zoning Regulations. The OP further reported that the proposed use will be in harmony with the existing uses in the block. The Board concurs with the reasoning and recommendation of the OP.

29. In a letter dated July 9, 1985, the Dupont Circle Advisory Neighborhood Commission 2B reported that at a duly noticed meeting a motion to approve the subject application was passed by a vote of four to one. The ANC reported that the applicant appeared at three meetings and explained the proposal, which involves no exterior alterations and restoration of the interior, and why the proposed use required the requested variance. The Board concurs with the ANC recommendation.

30. Six letters from property owners in the neighborhood of the subject site were received in support of the application on the grounds that the proposed use is consistent with the surrounding area and in their opinion the planned renovation would enhance both the structural soundness and aesthetics of the premises.

31. There was no opposition at the public hearing or of record to the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is requesting a special exceptions in order to be granted such relief, the applicant must demonstrate substantial compliance with the requirements of Paragraph 4101.44. The Board concludes that the applicant has met its burden of proof. The use, height bulk and design of the subject structure are in harmony with the existing uses and structures on neighboring property. The proposed use will not create dangerous or otherwise objectionable traffic conditions. And the proposed use is consistent with the intent and purpose of the SP-2 District.

The applicant is also seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met its burden of proof. The existence of the subject structure, which was built in 1900 and does not

conform to FAR requirements, constitutes a practical difficulty since the lot cannot reasonably be enlarged nor the square footage of the structure decreased.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The renovation shall be subject to review and approval by the Historic Preservation Review Board.

2. The number of employees located on the subject premises shall not exceed sixteen persons.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

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

ATTESTED BY:

CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 28 OCT 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

14313order/DON16

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Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 16600 Union of American Hebrew Congregations, pursuant to 11 DCMR 3103.2 and 3104.1, for a special exception under Subsection 508.1 for the construction of an addition to an existing building for office use, a variance under Section 531.1 from the floor area ratio requirement and a variance under Section 2001.3(b) and (c) from the limitation on additions to non-conforming structures devoted to conforming uses in a DC/SP-1 District at premises 2027 Massachusetts Avenue, N.W. (Square 94, Lot 21).

HEARING DATE: September 19, 2000
DECISION DATE: September 19, 2000

SUMMARY ORDER

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

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

The site of this application is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, submitted a written statement in support of the application.

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 special exception and variance from the strict application of the requirements of 11 DCMR 3104.1 and 3103.2. 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, 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 adversely affect the use of neighboring property.

The Board also concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which 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 this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The Applicant shall remove the painted wall signage from the Q Street, N.W., frontage of the property, with the understanding that the Applicant retains the right, subject to appropriate DC government approval, to install on the property signage of the pre-manufactured variety (i.e., metal, plastic, wood) by means of attachment to the building or on post on the grounds of the property.

2. The Applicant shall provide proper parking signs on the Q Street side of the building.

3. The Applicant shall consult with the ANC Commissioner, in whose Single Member District the property exists, on design of the signage.

4. The Applicant shall maintain and keep clean the parking area on the property.

5. The Applicant shall, subject to appropriate DC government approval, construct a trash enclosure on the property (Exhibit No. 32 of the record). The enclosure is to be properly maintained and is to house a combination of dumpster and trashcans. Trash is to be picked up at regular intervals. The area surrounding the trash enclosure is to be kept clean at all times.

6. The Applicant shall consult with ANC 2B should there be substantial change to the trash enclosure from the design identified at Exhibit No. 32 of the record.

7. The Applicant shall provide additional trees and landscaping.

Pursuant to 11 DCMR 3101.6, the Board waives the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3 – 0 (Robert Sockwell, Anne Renshaw and Anthony Hood to approve; Rodney Moulden and Sheila Cross Reid 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: OCT 26 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO 3125.6."

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

BAB/9.29.00

Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16600

As Director of the Office of Zoning, I hereby certify and attest that on OCT 26 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr.
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ANC Commissioner 2B02
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Building & Land Regulation Administration
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ATTESTED BY:
JERRILY R. KRESS, FAIA
Director