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November 13, 2001

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Hand Delivery

Sherri Pruitt
Secretary
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C.

Re: BZA Application No. 16782

Dear Ms. Pruitt:

Pursuant to my e-mail correspondence last Friday, enclosed please find a hard copy of the draft Order in the above-referenced case, along with a copy on computer disk. Please so be kind to advise us when the Order is finalized.

If you have any questions, please do not hesitate to call.

Very truly yours,

HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosures
cc: Ronald S. Shapiro, Esq.

WAS1 #1031896 v1

ZONING COMMISSION
District of Columbia
Case 16782
Exhibit 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16782
EXHIBIT NO.31

Application No. 16782 of 1742 N Street Co. LLC, 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 N Street, NW (Square 159, Lot 86).

HEARING DATE: **November 6, 2001**
DECISION DATE: **November 6, 2001** **(Bench Decision)**

SUMMARY ORDER

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

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 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 of this application, submitted a written statement in support of the application.

The D.C. Office of Planning submitted a written report and testified in support of the application.

As directed by 11 DCMR §3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for special exception pursuant to §508.1 and for variance pursuant to §531.1. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR §3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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.**

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: 4-0-0 (Geoffrey H. Griffis, Anthony J. Hood, David W. Levy, Ann Mohnkern Renshaw to grant.)

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

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

FINAL DATE OF ORDER: _____

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 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 D.C. CODE, TITLE 1, CHAPTER 25. *SEE* D.C. CODE §1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

WAS1 #1027764 v1