GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16832 of Metropolis Development Company, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the public space at ground level requirements under section 633, for a variance from the lot occupancy requirements under section 634, a variance from the private recreation space requirements under section 635, and a variance from the loading berth requirements under section 2201 to permit the construction of a mixed-use (residential and retail) building in the ARTS/CR District at premises 2045 14th Street, N.W. (Square 236, Lot 17 (formerly lots 54, 61, 812 and alley).

HEARING DATE: February 12, 2002, and April 30, 2002
DECISION DATE: April 30, 2002

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) 1B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 1B. ANC 1B submitted a letter in support of the application. The OP submitted a report 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 that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 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 and having given great weight to the ANC and Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 633, 634, 635, and 2201, 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

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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 develop a management plan for deliveries and moves. The plan shall include scheduling of truck arrivals and berth use.

2. The Applicant shall inform condominium owners in writing that there is no place for a 55-foot truck to load or unload and to instruct movers to utilize a 30-foot or 20-foot truck.

3. The Applicant shall write retail leases that includes language stating that there are no facilities for 55-foot trucks. In the leases, retailers shall agree to utilize delivery tucks that are 30 feet or smaller, and shall instruct deliverers to use the 30-foot or 20-foot loading areas.

4. The Applicant shall request advanced notification so that "emergency, no parking signs" can be obtained and posted on 14th Street, with the required advanced warning, if a 55-foot truck is to be used. The 55-foot truck shall be instructed to unload from 14th Street and to avoid driving on residential streets, including V Street.

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** (Geoffrey H. Griffis, Peter G. May, Anne M. Renshaw, David W. Levy, and Curtis L. Etherly to Approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: Jerrily Kress

JERRILY R. KRESS, FAIA
Director
Office of Zoning

FINAL DATE OF ORDER: MAY 16 2002

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.

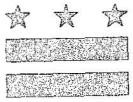
PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16832

As Director of the Office of Zoning, I hereby certify and attest that on MAY 16 2002 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:

Richard B. Nettler, Esq.
Jeannine Rustad Zigner, Esq.
Robins, Kaplin, Miller & Ciresi, LLP
1801 K Street, N.W.
Suite 1200
Washington, D.C. 20006

Glenn J. Melcher, Chairperson
Advisory Neighborhood Commission 1B
P.O. Box 91567
Washington, D.C. 20056

Deborah R. Thomas, Commissioner 1B11
Advisory Neighborhood Commission 1B
P.O. Box 91567
Washington, D.C. 20056

Jim Graham, City Councilmember
Ward One
1350 Pennsylvania Avenue, N.W., Suite 406
Washington, D.C. 20004

Toye Bello Acting, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E., 4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning