GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16861 of Ingleside at Rock Creek, pursuant to 11 DCMR § 3104.1, for a special exception to include additional property for use as recreation space, meeting room, and guest rooms for family members and guests visiting an existing community residence and health care facility under sections 218 and 219, in an R-1-A District at premises 5121 Broad Branch Road, N.W. (Square 2285, Lots 3, 4, 803, and Square 2287, Lot 808).

HEARING DATE: 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) 3G, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application submitted a letter in conditional support of the application. The Office of Planning submitted a report in conditional support of the application. The Department of Transportation submitted a report stating no objection to the application. Anne M. Renshaw testified as an individual at the public hearing, having recused herself from the Board deliberations.

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 a special exception from the strict application of the requirements of 11 DCMR §§ 3104.1, 218 and 219. 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, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, for a special exception under

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sections 218 and 219, which will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS:**

1. There shall be no rental to or use of the building by groups that are not related to Ingleside, except that community organizations such as Advisory Neighborhood Commission 3G may use the building up to a total of four times per year.

2. Large events shall be limited to one per month. Large events shall be defined as events involving 75 or more attendees, the majority of whom are not residents of Ingleside. The Ingleside security personnel shall be responsible for managing any parking demands associated with an event to insure that there is no spillover parking in the neighborhood.

3. The maximum occupancy of the building for any event at any time shall be 150.

4. The guest apartments shall be available only for family and friends of residents of Ingleside. The maximum stay shall be one week. In the event of extenuating circumstances, the maximum stay limit may be waived.

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: **4-0-1** (Carol J. Mitten, Curtis L. Etherly, Jr., Geoffrey H. Griffis, and David W. Levy to Approve, Anne M. Renshaw not participating, not voting, having recused herself).

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

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director

Final Date of Order: MAY 15 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 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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.

rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16861

As Director of the Office of Zoning, I hereby certify and attest that on MAY 15 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:

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rsn

ATTESTED BY: Jerrily Kress

JERRILY R. KRESS, FAIA
Director, Office of Zoning