GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17001 of RLA Revitalization Corporation and Victory Housing, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure setback provisions under section 411 (770.6(b)) and a special exception for a zone district boundary line crossing a lot under section 2514 and, pursuant to 11 DCMR § 3103.2, a variance from the parking requirements under sections 2101 and 2115 and a variance from the loading requirements under section 2201 to construct a seven story apartment house for the elderly in the C-3-A/R-4 District at premises 14th & Irving Streets, N.W. (northeast corner) (Square 2848, All or portions of Lots 71, 867 and 824).

HEARING DATE: April 8, 2003
DECISION DATE: April 8, 2003 (Bench Decision)

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 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 referred to the Office of Planning (OP) and the District Department of Transportation (DDOT) for review and report.

The OP report, filed on April 1, 2003, and through the testimony of its representative at the public hearing, recommended that the Board approve the requests for variance and special exception relief. The DDOT filed its initial report on March 31, 2003, in support of the project. The DDOT filed a supplemental report on April 7, 2003, providing additional information to clarify its position of no objection to the application.

The subject property is located within the jurisdiction of ANC 1A. ANC 1A, which is automatically a party to the application, filed a written statement in support of the application dated March 12, 2003, and filed April 3, 2003. The Board waived the

BZA
Case No. 17001
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO. 17001
EXHIBIT NO. 36

rules to accept the late-filed report and determined that the report should be given great weight despite the fact that the written report did not state that a quorum was present or the vote. ANC 1B, its boundary line being located a few blocks from the site, submitted a letter indicating its support for the project.

Councilmember Jim Graham, the councilmember for Ward 1 in which the site is located, submitted a letter in support of the project dated April 3, 2003. Councilmember Graham submitted a revised letter supporting the project at the hearing on April 8, 2003.

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 special exceptions pursuant to 11 DCMR §§ 3104.1, 411 (770.6(b)), and 2514.2 and variances under 11 DCMR § 3103.2 from the strict application of the requirements of 11 DCMR §§ 2101, 2115, and 2201. No party 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.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the ANC's report and the Office of Planning's report filed in this case, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 for special exceptions under sections 411 (770.6(b) and 2514.2 that the requested relief can be granted as 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 Map. The Board also concludes that the specific requirements for special exception relief set forth in 11 DCMR §§ 2514.2(a) through 2514.2(d) have been met.

The Board also concludes that the applicant has met its burden of proof under 11 DCMR §§ 3103.2, 2101, 2115, 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 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 the application is **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: **3-1-1** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., and James H. Hannaham to approve the variances from sections 2101, 2115, and 2201, David A. Zaidain opposed to the motion, the third mayoral appointee not present, not voting).

VOTE: **4-0-1** (David A. Zaidain, Curtis L. Etherly, Jr., Geoffrey H. Griffis and James H. Hannaham to approve the special exceptions from sections 411 (770.6(b)) and 2514.2, the third mayoral appointee not present, not voting).

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, Office of Zoning

FINAL DATE OF ORDER: APR 1 1 2003

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 THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS,

PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 17001

As Director of the Office of Zoning, I hereby certify and attest that on APR 1 1 2003 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 R. KRESS, FAIA
Director, Office of Zoning