GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17005 of The Studio Theatre, Inc., pursuant to 11 DCMR § 3104.1, for a special exception from the rear yard requirements under section 774, a special exception to allow more than one roof structure, one of which provides screening walls that would not be of equal height and another that would have an opening other than a louver along one screening wall, both of these under section 771 (and section 411), and a special exception to allow less than 50% of the surface area of the street wall along 14th Street at the ground level to be used for display windows and entrances under sections 1903 and 1906, to allow additions to existing buildings (to be consolidated into a single building on a single record lot) for use as a legitimate theater in the Arts/C-3-A District at premises 1501, 1507 and 1509 14th Street, N.W. (Square 241, Lots 830, 834, and 835).

Note: The Board amended the application at the public hearing to consider relief from the rear yard requirements under section 774 as a special exception instead of the area variances originally sought.

HEARING DATE: April 22, 2003
DECISION DATE: April 22, 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) 2F, the Office of Planning (OP), the only tenant located within one of the subject properties (at 1507 14th Street, N.W.), and owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2F. ANC 2F submitted a letter in support of the application adopted by the ANC at a duly constituted meeting with a quorum of its Commissioners present. The OP submitted a report in support of the application.

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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, 771, 774, 1903 and 1906 having determined that neither the variance originally sought from the requirement to provide a rear yard of a specified minimum depth nor the variance from expansion of a non-conforming aspect of a non-conforming building was required in the case. 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 record before the Board included a letter of support from the Logan Circle Community Association. No other persons appeared at the hearing or within the record in support of or opposition to the application.

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, 771, 774, 1903 and 1906 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.

It is therefore **ORDERED** that the application as amended is **GRANTED**, noting that the relief approved is associated with the plans dated April 22, 2003, that the Board received from the Applicant at the hearing that specifically depict each area of relief sought, all of which are hereby granted (Exhibit 33 of the Record).

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 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Anthony J. Hood and David A. Zaidain to approve, 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 25 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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As Director of the Office of Zoning, I hereby certify and attest that on APR 25 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:

Douglas J. Patton
Lindsley Williams
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

Helen M. Kramer, Chairperson
Advisory Neighborhood Commission 2F
P.O. Box 9348
Washington, D.C. 20005

Commissioner 2F01
Advisory Neighborhood Commission 2F
P.O. Box 9348
Washington, D.C. 20005

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

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

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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning