SUBMITTED BY JAY HELLMAN, 9/9/03
PROPOSED ORDER

Application No. 17047 of 33 PST LLC, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1 for the alteration and conversion of an existing structure to a public hall in a C-3-C / TDR Receiving Zone District at premises 33 Patterson Street, N.E. (Square 672, Lot 255).

HEARING DATE: September 9, 2003
DECISION DATE: September 9, 2003 (Bench Decision)

SUMMARY ORDER

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) 6C and to 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 the application is located within the jurisdiction of ANC 6C. ANC 6C, which is automatically a party to the application, filed a series of letters in support of the application. The Office of Planning submitted a report saying they could not recommend approval without conditions regarding providing off-street parking.

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, pursuant to 11 DCMR § 3103.2, for a variance from the strict application of the requirements of 11 DCMR § 2101.1. No person or entity appeared at the public hearing in opposition to the 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 and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 2101.1 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 be **GRANTED subject to the following condition:**

BZA
Case No. 17047
Exhibit No. 58

Board of Zoning Adjustment
District of Columbia
CASE NO. 17047
EXHIBIT NO. 58

1. At all operating hours of the club, there shall be in force contractual arrangements between the club operator and owners/managers of off-street parking spaces for a minimum of 100 vehicles within 1,000 feet of the building.

Pursuant to **11** DCMR § 3100.5, 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:

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

ATTESTED BY:_____
JERRILY R. KRESS, FAIA
Director

Final Date of Order:_____