GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16506 of Africare, Inc., pursuant to 11 DCMR 3107.2 (new 3103.2) for a variance to add an annex to an existing structure under Subsection 3104.3, from the use provisions to use all floors of the subject premises as "Headquarters Office of Charitable Organization" in an R-4 District at premises 440 R Street, N.W. (Square 509, Lot 805).[1]

HEARING DATE: October 20, 1999
DECISION DATE: November 10, 1999

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to this application, did not provide written or oral comments on the application.

As directed by 11 DCMR 3119.2 the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a variance pursuant to 11 DCMR Subsection 404.1. 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations and Map, 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 **ORDERED** that the application be **GRANTED.**

[1] The application was advertised as requiring relief from the use provision and Subsection 3104.3 of the Zoning Regulations. At the public hearing, the application was revised to indicate that an area variance and Subsection 404.1 are the appropriate zoning relief. The property was reposted.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17136
EXHIBIT NO. 8

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Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Jerry Gilreath, Sheila Cross Reid and Robert Sockwell to approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 20 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/11.17.99

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16506

As Director of the Office of Zoning, I hereby certify and attest that on DEC 20 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Tersh Boasberg
1800 Massachusetts Avenue, N.W.
Suite 600
Washington, D.C. 20036

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
Terrell Junior High School
First and Pierce Streets, N.W.
Washington, D.C. 20001

ATTESTED BY:
JERRILY R. KRESS, FAIA
Director