GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16473 of Parkmont School, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to establish the use and to continue the use of a private secondary school for 65 students and 8 staff, and under Section 3107.2 for a variance for renewal of the parking, basement, first and second floors in an R-1-B District at premises 4842 16th Street, N.W. (Square 2654, Lot 34).

HEARING DATE: **July 21, 1999**
DECISION DATE: **Juiy 21, 1999 (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) 4C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, submitted a written report in support of the application.

As directed by 11 DCMR 3324.2, 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 pursuant to 11 DCMR 206 and for a variance from the strict application of the requirements of 11DCMR 3107.2. 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board also concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, 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 that the requested relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

BZA
Case No. 17209
Exhibit No. 12

Board of Zoning Adjustment
District of Columbia
CASE NO. 17209
EXHIBIT NO. 12

1. Approval shall be for **FIVE YEARS** from the date of this order. The applicant shall reapply to the Board prior to the expiration of the approval granted herein for evaluation of the parking situation and for permission to continue to provide parking as set forth in this order.

2. Operation of the school shall be limited to The Parkmont School.

3. The number of students shall not exceed 65 and the number of faculty shall not exceed eight.

4. There shall be no non-school-related activities on the subject premises.

5. Landscaping shall be in accordance with the site plan marked as Exhibit No. 44 A of the record of BZA Application No. 13985, as detailed by the letter marked as Exhibit No. 44 of the record.

6. Three parking spaces shall be provided on the site.

7. There shall be no enlargement of the existing paved area on the site.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: **3-0** (Anthony Hood, Betty King and Sheila Cross Reid to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JUL 27 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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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

ord16473/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16473

As Director of the Board of Zoning Adjustment, I certify and attest that on JUL 27 1999 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Susan Cook, Esquire
Hogan & Hartson, L.L.P.
555 13th Street, N.W.
Washington, D.C. 20001109

Ron McClain
Parkmont School
4842 16th Street, N.W.
Washington, D.C. 20011

The chairperson
Advisory Neighborhood Commission 4C
WMATA Bus Barn
P.O. Box 6087
Washington, D.C. 20039

Attested By:
JERRILY R. KRESS, FAIA
Director

ord16473/JKN