GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17229 of Hillwood Museum and Gardens, pursuant to 11 DCMR § 3103.2, for a variance to allow modification of certain previous conditions of BZA Orders (including BZA Order No 16019), governing the operation of an approved museum under section 201, in the R-1-A District at premises 4155 Linnean Avenue, N.W. (Square 2245, Lot 1).

HEARING DATE(S): October 18, 2004, November 9, 2004, and January 25, 2005
DECISION DATE: January 11, 2005

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 Advisory Neighborhood Commission (ANC) 3F, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 3F. ANC 3F submitted a resolution in support of the application. The OP submitted a report without making a recommendation on the application. The OP did however testify in support of the application at the public hearing.

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 a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing 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 and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 201, 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 relief can be granted without substantial detriment to the public good and without

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substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS:**

1. The facility shall be open five days per week, Tuesday through Saturday, for regular daily visits.

2. The hours of operation for regular daily visits shall be from 8:30 a.m. to 6:00 p.m.

3. Visitors shall be admitted by appointment only. Appointments shall be limited by parking availability as described in Condition No. 4 below.

4. Visitors shall be limited to the facility's parking capacity of 110 cars, including limousines, at any one time. Reservations shall be made for no more than 110 cars in morning and 110 cars in afternoon. At the time of reservation, Hillwood staff shall ask visitors how they plan to arrive at Hillwood. There shall be no charge for parking.

5. No more than two buses shall be permitted to enter the property each morning and each afternoon.

6. Up to four overflow events per year may be held without limit on the number of cars or attendees, under the following conditions:

    a. The event is either a fundraising event for Hillwood or is primarily related to Hillwood's educational mission.
    b. Sufficient off-street parking is provided so that no vehicle needs to park on the street.
    c. Hillwood takes all reasonable measures to assure that visitors do not park on the street. These measures shall include, at a minimum:
        i. Signs, invitations and other advertising media will direct visitors not to park on the street.
        ii. Free valet parking will be provided for off-site parking.
        iii. During each overflow event, there may be no more than two bus arrivals including drop-offs and pickups.

iv. For purposes of this order, buses are defined as passenger vehicles that exceed 25 feet in length.

v. Space shall be provided for bus parking on the property.

7. In addition to the four "overflow" events discussed in Condition No. 6, there may be a total of 41 evening and Sunday events. These events shall be limited as follows:

   a. All Sunday and evening events shall be primarily educational events related to Hillwood's mission or fundraising events for Hillwood.
   b. There shall be no Sunday evening events. Sunday hours will be from 12:30 p.m. - 6:00 p.m. only.
   c. No more than 18 Sunday events may be held in any calendar year. No more than three Sunday events shall be held in any calendar month, nor may Sunday events be held on consecutive Sundays.
   d. No more than two evening events shall be held in any calendar week.
   e. The educational evening activities shall end no later than 10:00 p.m.
   f. Attendance shall be limited to 75 cars at evening events and 100 at Sunday events, including limousines.
   g. Buses on Sundays shall be limited to two buses on each of two Sundays per year.
   h. Buses at evening events shall be limited to five evening events per year. At such events, there may be no more than five bus arrivals including both drop-offs and pick-ups. Space shall be provided for bus parking on the property. Signs, invitations and other advertising media will direct visitors not to park on the street.
   i. Free valet parking will be provided for off-site parking.

8. Hillwood shall implement measures to reduce the queue on Linnean.
   a. At no time shall Hillwood permit a street queue of more than three cars at the upper entrance or two at the lower entrance.
   b. During all events, both gates will be opened for ingress.
   c. At no time shall Hillwood permit a street queue of more than one bus.
   d. All buses and taxis that park or wait must do so on the property.

9. No amplified music or speech shall be allowed at the site that can be heard off the premises.

10. Hillwood shall continue to maintain a liaison committee made up of the ANC, area residents and institutions to coordinate the activities of the

applicant's facility and nearby institutions. The committee shall continue to meet at least quarterly to resolve any problems raised by its members.

11. No outside groups or individuals shall be allowed to rent the applicant's facility.

12. The applicant shall provide security at the site 24 hours a day, seven days a week.

13. The existing "No right turn" sign shall be maintained at all vehicular exits from the site.

14. The applicant shall request that visitors exit from the facility toward Tilden Street.

15. All parking shall occur on the premises, except as provided in Condition No. 6, above.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II, Curtis L. Etherly, Jr., and John G. Parsons to approve)

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, Office of Zoning

FINAL DATE OF ORDER: January 28, 2005

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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE

GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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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As Director of the Office of Zoning, I hereby certify and attest that on JAN 2 8 2005 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