

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 03-02A

As Secretary to the Commission, I hereby certify that on **MAR 9 2010** copies of this Z.C. Order No.03-02A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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| 1. <i>D.C. Register</i> | 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Chris Collins, Esq.
Holland & Knight
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006 | 6. Councilmember Harry Thomas, Jr. |
| 3. William Shelton, Chair
ANC 5B
c/o Harbor Light Center
2100 New York Avenue, NE
Washington, DC 20006 | 7. DDOT (Karina Ricks) |
| 4. Commissioner Wilhelmina Lawson
ANC/SMD 5B06
1510 Montello Avenue NE
Washington, DC 20002 | 8. Melinda Bolling, Acting General Counsel
DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 9. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY: *S. S. Schellin*
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 03-02A
EXHIBIT NO. 33

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.03-02A
EXHIBIT NO.33

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-02A**

Z.C. Case No. 03-02A

(Gallaudet University – Denison House)

**Amendment to & Further Processing of an Approved Campus Plan
February 25, 2010**

Application No. 03-02A of Gallaudet University, pursuant to 11 DCMR §§210, 3035, and 3104, for a minor amendment to, and special exception review and approval of further processing under, its approved Facilities Master Plan, 2002-2012, to allow for the renovation and conversion of Denison House from administrative to residential use on land zoned R-4 that is located within the Gallaudet University campus, which is bounded generally by Florida Avenue, N.E. to the south, West Virginia Avenue, N.E. to the east, Mount Olivet Road, N.E. and Corcoran Street, N.E. to the north, and Brentwood Parkway and 5th and 6th Streets, N.E. to the west, at premises 800 Florida Avenue, N.E. (Parcel 141/69). In accordance with 11 DCMR §§ 210 and 3035, this case has been heard by the Zoning Commission for the District of Columbia (the “Commission”) under the rules of the Board of Zoning Adjustment, at Chapter 31 of 11 DCMR.

HEARING DATE: February 25, 2010

DECISION DATE: February 25, 2010

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission 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”) 5B, and to owners of property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (“OP”) for review and report.

The Subject Property is located within the jurisdiction of ANC 5B. ANC 5B, which is automatically a party to the application, submitted a written statement in support of the application. The Commission noted that the application is also of interest to ANC 6A and ANC 6C, whose boundaries are located across Florida Avenue from the Gallaudet campus. ANC 6A and ANC 6C also submitted written statements in support of the application.

OP submitted a written report and testified in support of the application.

The Commission also received letters of support for the application from Ward 5 Councilmember Harry Thomas, Jr., the Gallaudet Community Relations Council, and the H Street Community Development Corporation.

As directed by 11 DCMR § 3119.2, the Commission required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR § 210. 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. As noted, the affected ANC, which is an automatic party to the case, did not oppose the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party and therefore a full order is not required pursuant to D.C. Official Code § 2-509. Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Commission be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of the ANC party, and is appropriate in this case.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 210 and 3104.1, and that the requested relief will be 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 be **GRANTED**.

The Facilities Master Plan, 2002-12, shall be amended in accordance with the plans and materials submitted by the Applicant marked as Exhibit 23 of the record, specifically page 5 and Exhibit D thereto, as modified by the guidelines, conditions and standards of this order.

VOTE: 5-0-0 (Anthony J. Hood, Peter G. May, Konrad W. Schlater, William W. Keating, III, and Michael G. Turnbull to approve).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY: 
JAMISON L. WEINBAUM
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: March 8, 2010

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 § 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 COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., ("ACT"). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE 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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS 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 DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.