Government of the District of Columbia
OFFICE OF ZONING

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MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: July 28, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 8, 2003:

1. Z.C. Order No. 03-07 (Z.C. Case No. 03-07).

RO
Received By

7/29/03
Date

Attachments

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District of Columbia
Case 03-07
Exhibit 43
ZONING COMMISSION
District of Columbia
CASE NO.03-07
EXHIBIT NO.43

ZONING COMMISSION ORDER NO. 03-07
Case No. 03-07
(Trustees for Harvard University)
April 28, 2003

Application No. 03-07 of the Trustees for Harvard University on behalf of owners Robert and Anne Bass, pursuant to 11 DCMR §§ 210.5 and 3035, for special exception review and approval to permit the interim use of property located in an R-1-B District, at 3232-3240 R Street, NW (Lots 96 and 1015 [formerly Lots 97, 98, and 99] in Square 1280), by the Trustees, Dumbarton Oaks Research Library and Collection (hereinafter "Dumbarton Oaks"). In accordance with 11 DCMR §§ 210 and 3035, this case has been heard by the Zoning Commission under the rules of the Board of Zoning Adjustment, at Chapter 31 of 11 DCMR.

HEARING DATE: May 5, 2003
DECISION DATE: May 5, 2003 (Bench Decision)

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") 2E, 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 for review and report.

The subject property is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to the application, submitted a written statement in support of the application.

The D.C. Office of Planning submitted a written report and testified in support of the application. The D.C. Departments of Transportation and Housing and Community Development and the Fire Marshall submitted written memoranda indicating no objection to the application. Two persons testified at the public hearing regarding the application. No person requested to participate as a party in this proceeding. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

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 § 210.5. Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 3104.1 and 210.5, 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 adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS**:

(1) The residence shall be used only for temporary office purposes generally between 7:00 a.m. and 7:00 p.m. on weekdays;
(2) The residence shall not be used for social events, receptions, or parties;
(3) The special exception shall terminate when the construction of the library at Dumbarton Oaks is completed and the office space in the main building at Dumbarton Oaks has been renovated, and not later than five (5) years from the effective date of this order;
(4) There will be no exterior modifications to the residence; and
(5) Visitors and students shall be directed to park at Dumbarton Oaks.

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 any party, and is appropriate in this case.

VOTE: **5-0-0** (Carol J. Mitten, John G. Parsons, Anthony J. Hood, Peter G. May, and James H. Hannaham, to approve)

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: July 28, 2003

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 (10) DAYS AFTER IT BECOMES FINAL.

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.

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.