GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

★ ★ ★

Office of Zoning

Application No. 16613 of The Catholic University of America, pursuant to 11 DCMR 3104.1 for a special exception under Section 210 to permit a modification to and further processing of an existing campus plan and to allow the construction of a student center in an R-5-A District at premises 620 Michigan Avenue, N.E. (Square 3821, Lot 44).

HEARING DATE: October 17, 2000
DECISION DATE: October 17, 2000 (Bench Decision)

SUMMARY ORDER

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

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) 5C, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 5C. ANC 5C, which is automatically a party to this application, submitted a written statement in support of the application (Exhibit No. 33). The site is located in close proximity to ANC 5A. A letter was received from Commissioner Mary M. Baird-Currie, ANC 5A06, in support of 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 special exception pursuant to 11 DCMR 3104.1. 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 3104.1, Section 210, 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 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 the application be **GRANTED, SUBJECT** to the following **CONDITION:**

ZONING COMMISSION
District of Columbia
CASE NO.04-25
EXHIBIT NO.2E

The Application is approved subject to plans identified at Exhibit No 23 of the record. The Applicant shall have flexibility to reduce the amount of glass in the building's facade; however, shall endeavor to retain as much glass as possible given constraints of budget and design.

Pursuant to 11 DCMR 3101.6, the Board waived 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: 5 – 0 (Rodney Moulden, Kwasi Holman, Anne Renshaw, Robert Sockwell and Sheila Cross Reid to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC - 8 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), 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 (1999), 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 § 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/11.23.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

BZA APPLICATION NO. 16613

As Director of the Office of Zoning, I hereby certify and attest that on DEC - 8 2000 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:

Allison C. Prince, Esquire
Shaw Pittman
2300 N Street, N.W.
Washington, DC 20037-1128

James D. Berry, Jr., Chairperson
Advisory Neighborhood Commission 5C
680 Rhode Island Avenue, NE
Washington, DC 20002

Debbie Smith
SMD Commissioner 5C10
2826 - 6th Street, N.E.
Washington, DC 20017

Mary Baird Currie
SMD Commission 5A06
1120 Michigan Avenue, N.E.
Washington, DC 20017

Councilmember Vincent B. Orange, Sr.
Ward Five
441 4th Street, N.W., Suite 702
Washington, DC 20001

Toye Bello, Acting Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director