

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-02B
Z.C. Case No. 03-02B
Gallaudet University-Living Learning Residence Hall 6
(800 Florida Avenue, N.E. – Parcel 141/69)
February 10, 2011**

Application No. 03-02B of Gallaudet University, pursuant to 11 DCMR §§ 210, 3035 and 3104, for an amendment to, and special exception review and approval of further processing of an approved campus plan (the Facilities Master Plan, 2002-2012) to allow the construction of the Living Learning Residence Hall 6 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 was heard by the Zoning Commission (“Commission”) under the rules of the Board of Zoning Adjustment, at Chapter 31 of 11 DCMR.

HEARING DATE: February 10, 2011
DECISION DATE: February 10, 2011 (Bench Decision)

SUMMARY ORDER

The Commission provided proper and timely notice of public hearing on this application by publication in the *D.C. Register*, and by mail to Gallaudet University (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 zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Subject Property is located within the boundaries of ANC 5B. ANC 5B, which is automatically a party to the application, submitted a written statement in support of the application. (Exhibit 26.) ANCs 6A and 6C, whose boundaries are located across Florida Avenue from the Gallaudet campus, also submitted written statements in support of the application. (Exhibits 18 and 17, respectively.)

The D.C. Office of Planning submitted a written report and testified in support of the application. (Exhibit 24.)

The Commission also received letters of support for the application from the Gallaudet Community Relations Council. (Exhibit 22, Tab F.)

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. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

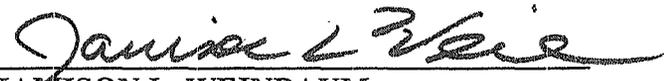
Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Commission be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

The Applicant's approved campus plan, the Facilities Master Plan, 2002-12, is amended in accordance with the plans and materials submitted by the Applicant marked as Exhibit 22 of the record, specifically pages 6 and 7 and Tab E thereto, as modified by the guidelines, conditions and standards of this Order.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 3104.1, 3035, and 210, 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 is **GRANTED**.

VOTE: 3-0-2 (Konrad W. Schlater, Michael G. Turnbull, and Anthony J. Hood to approve; Peter G. May and Greg M. Selfridge not present, not voting)

BY ORDER OF THE D.C. ZONING COMMISSION

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

FINAL DATE OF ORDER: March 18, 2011

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE COMMISSION AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE ZONING COMMISSION.

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, 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 WHICH 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



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

MAR 15 2011

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

1. *D.C. Register*
2. Chris Collins, Esq.
Holland & Knight
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
3. ANC 5B
c/o Harbor Light Center
2100 New York Avenue, N.E.
Washington, DC 20002
4. Commissioner Thalia Wiggins
ANC/SMD 5B06
1220 Monticello Avenue, N.E.
Washington, DC 20002
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
6. Councilmember Harry Thomas, Jr.
7. DDOT (Karina Ricks)
8. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
Washington, DC 20024
9. Office of the Attorney General (Alan Bergstein)

ATTESTED BY:

A handwritten signature in black ink, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning