

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14859 of the Investment Banking Group, Ltd., pursuant to 11 DCMR 3107.2, for a variance from the allowable percentage of lot occupancy requirements (Sub-section 634.1), a variance from the floor area ratio requirements (Sub-section 631.1), a variance from the rear yard requirements (Sub-section 636.3), a variance from the allowable height requirements (Sub-section 630.1), and a variance to allow a penthouse which will not meet the setback requirements [Paragraph 630.4(b)] for the proposed new construction of a mixed use commercial residential building in a CR District at premises 2311 M Street, N.W., (Square 36, Lots 49 and 820).

HEARING DATE: July 27, 1988
DECISION DATE: July 27, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2A. ANC 2A, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 634.1, 631.1, 636.6, 630.1 and 630.4(b). No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. 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 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and

integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the CONDITION that construction be in accordance with the plans marked as Exhibit No. 28A the record except that the applicant may modify the interior apartment layout to provide between twenty-eight and thirty-five units.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to grant; Lindsley Williams and Charles R. Norris not present, not voting).

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

ATTESTED BY:

Edward L. Curry
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: SEP 16 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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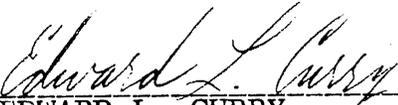


APPLICATION No. 14859

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated SEP 16 1968, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Maureen Dwyer
Wilkes, Artis, Hedrick & Lane
1666 K St., NW
Washington, DC 20005

Advisory Neighborhood Commission 2A
1920 G Street, NW
DC 20006


EDWARD L. CURRY
Executive Director

DATE: SEP 16 1968