

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15814 of the Washington Ballet, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 206 for a private school, and a variance from the rear yard requirements (Subsection 404.1) for an addition to a ballet school in an R-5-A District at premises 3515 Wisconsin Avenue, N.W. (Square 1911, Lot 808).

HEARING DATE: May 12, 1993  
DECISION DATE: May 12, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3C. ANC 3C, 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 404.1 and a special exception pursuant to 206. No person or entity appeared at the hearing in opposition to the application or otherwise requested to participate as a party in 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. The Board concludes that there exists an exceptional condition related to the property which creates a practical difficulty for the owner in its efforts to comply with the Zoning Regulations. The Board concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent purpose and integrity of the zone plan.

The Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR 3108. The Board concludes that the special exception can be granted as being in harmony with the

The Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR 3108. The Board concludes that the special exception 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 application 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, SUBJECT** to the following **CONDITIONS**:

1. There shall be no more than 60 students on site at any one time.
2. A detailed landscape plan shall be prepared subject to the approval of Advisory Neighborhood Commission 3C. Measures shall be taken to protect, maintain and expand the property's existing landscaping, including the following:
  - a. Parking shall not be expanded under the dripline of the large oak tree at the northwest corner of the property;
  - b. The oak tree shall be adequately protected during construction, including root pruning if necessary, the prohibition of parking or construction staging on any currently permeable surface under the tree's canopy, and;
  - c. New ornamental trees and shrubs shall be planted, and at least one large-growing hardwood tree species, along both of the school's frontages on Porter Street and Wisconsin Avenue.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 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 appropriate in this case.

**VOTE:** 3-0 (Paula L. Jewell, Maybelle Taylor Bennett and Angel F. Clarens to grant; Carrie L. Thornhill and Sheri M. Pruitt not present, not voting).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

MAY 27 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), 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 (1987), 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 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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15814Order/bhs

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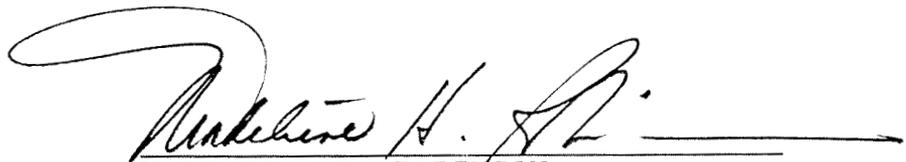
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 27 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Advisory Neighborhood Commission 3C  
2737 Devonshire Place, N.W.  
Washington, D.C. 20008

  
MADELIENE H. ROBINSON  
Director

DATE: MAY 27 1993

15814Att/bhs