

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15818 of the Exxon Company, U.S.A., a Division of Exxon Corporation, pursuant to 11 DCMR 3108.1 and 3107.2, for special exceptions under Section 706 to construct a gasoline service station, and Subsection 2514.2 to allow a permitted use, height and bulk of a less restrictive district (C-1) to extend up to ten feet into a more restrictive district (R-1-B), and a variance from locating a gasoline service station within 25 feet of a residential district (Subsection 706.3) to construct a gasoline service station and food mart in a C-1 and R-1-B Districts at premises 3201 Pennsylvania Avenue, S.E. (Square N-5665, Lot 1).

HEARING DATE: February 16, 1994  
DECISION DATE: February 16, 1994 (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) 7B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7B. ANC 7B, which is automatically a party to the application, submitted 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 706.3 and special exceptions pursuant to 11 DCMR 706 and 2514.2. 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 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 3107 that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, 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 Map. The Board also concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map.

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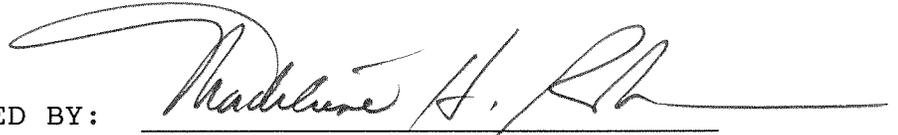
The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED.

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 appropriate in this case.

VOTE: 3-0 (George Evans, Maybelle Taylor Bennett and Craig Ellis to grant; Angel F. Clarens and Laura M. Richards not present, not voting).

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

ATTESTED BY:



MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAR 7 1994

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.

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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 7 1994 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:

Christopher H. Collins, Esquire  
Wilkes, Artis, Hedrick & Lane  
1666 K Street, N.W., Suite 1100  
Washington, D.C. 20006

Herbert Boyd, Jr., Chairperson  
Advisory Neighborhood Commission 7-B  
3200 S Street, S.E.  
Washington, D.C. 20020

A handwritten signature in cursive script, reading "Madeliene H. Robinson", is written over a horizontal line. The signature is fluid and extends to the right of the line.

MADELIENE H. ROBINSON  
Director

DATE: MAR 7 1994