

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15945 of the Anthony Bowen Landmark Building Trust, Inc., pursuant to 11 DCMR 3108.1 and 3107.2, for special exceptions and a variance under Section 217 to allow nonprofit office use and Section 214 to allow parking elsewhere than on the same lot on which the main use is permitted, a variance to allow an addition to an existing nonconforming structure that now exceeds the maximum allowable lot occupancy and does not meet the minimum rear yard requirement [Paragraph 2001.3(a), (b) and (c)], a variance from the allowable lot occupancy requirements (Subsection 403.2), and a variance from the rear yard requirement (Subsection 404.1) to construct an addition to a nonconforming historic structure in an R-4 District at premises 1816 12th Street, N.W. (Square 275, Lot 827).

HEARING DATE: May 11, 1994
DECISION DATE: June 1, 1994

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) 1B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1B. ANC 1B, 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 a variance from the strict application of the requirements of 11 DCMR 2001.3(a), (b) and (c), 403.2 and 404.1 and special exceptions pursuant to 11 DCMR 217 and 214. 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.

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, SUBJECT to the following CONDITIONS:

1. The maximum number of daily staff shall not exceed 120 full and part-time positions.
2. The office hours of operation shall be between 8:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. and 3:00 p.m. on Saturday. All other functions shall operate between the hours of 8:00 a.m. and 10:00 p.m., Monday through Saturday. Notwithstanding the foregoing, (i) the museum shall be permitted to be used by the community up to three Sundays per month, and (ii) the gymnasium and other non-office areas of the project's first two floors shall be permitted to be used by the community one Sunday per month, between the hours of 12 noon and 6:00 p.m.
3. No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold from the premises, except for the sale of publications, materials, or other items related to the purpose of the nonprofit organizations located in the project.
4. There shall be no loitering on the exterior of the premises by employees and visitors. Any outdoor activities shall not create adverse noise impacts.
5. The applicant shall establish and maintain a community liaison committee consisting of representatives of the facility, the ANC, and neighborhood residents. The community liaison committee shall meet on a quarterly basis.
6. The applicant shall maintain 22 off-street parking spaces at all times, including three spaces to be located on Lot 41, as shown on the plans marked as Exhibit No. 14 of the record.
7. Trash shall be picked up from the premises at least twice per week.

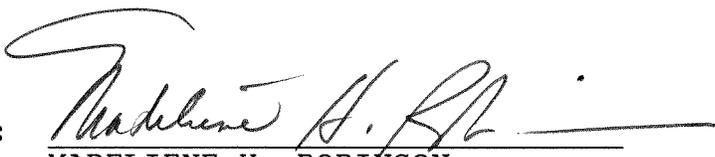
8. All areas of the site that are devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous material, or other material approved by the Department of Public Works.
9. The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.
10. Any lighting used to illuminate the parking lot and the building shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot and the building's exterior walls.
11. The applicant shall provide landscaping to be planted at the site as shown on the plans marked as Exhibit No. 14 of the record. In addition, screening shall be provided on the site to buffer the parking area from the residential property that abuts Lot 41.
12. Changes to the interior layout of the building which are generally consistent with the concept plans as submitted to the Board shall not require subsequent submission to and approval by the Board, but can be approved by the appropriate D.C. government officials.

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 and Laura M. Richards to grant; Angel F. Clarens to grant by absentee vote; Craig Ellis not voting, having recused himself).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

JUN 17 1994

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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.

ord15945/SS/LJP

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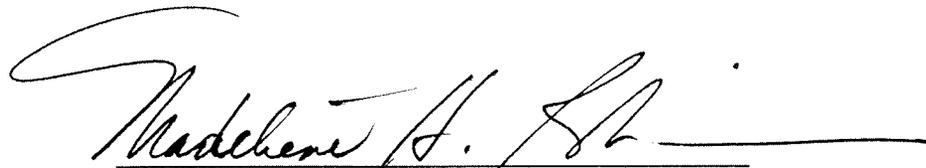
BZA APPLICATION NO. 15945

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 17 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:

LaFonte Nesbitt, Esquire
Holland and Knight
2100 Pennsylvania Avenue, N.W. #400
Washington, D.C. 20037

James F. Smith
Logan Circle Community Association
1511 8th Street, N.W.
Washington, D.C. 20001

Mary Treadwell, Chairperson
Advisory Neighborhood Commission 1-B
P.O. Box 73710
Washington, D.C. 20056-3710


MADELIENE H. ROBINSON
Director

DATE: JUN 17 1994