

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16111 of the Order of Saint Sulpice, as amended, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Subsection 350.4) to convert part of a dormitory and convent into office use in an R-5-A District at premises 401 Michigan Avenue, N.E. (Square 3543, Parcel 133/130).

HEARING DATE: November 5, 1997
DECISION DATE: November 5, 1997 (Bench Decision)

SUMMARY ORDER

The Board initially approved this application by its order in this case dated August 16, 1996. The Board's approval allowed the eastern portion of a college dormitory belonging to the Order of Saint Sulpice to be converted to office use. By letter dated April 16, 1997, the applicant requested the Board to waive its Rules and reopen the record in this case to consider an amendment to the application to include an abandoned convent that is adjacent to the site initially approved by the Board. At its public meeting of May 7, 1997, the Board authorized a rehearing in this case.

The Board provided proper and timely notice of public hearing on this amended application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4D, and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4D. ANC 4D, which is automatically a party to this 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 Subsection 350.4. No person or entity appeared at the public hearing in opposition to this 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 further concludes that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations. The Board finally concludes 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

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the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Sheila Cross Reid, Betty King and Susan Morgan Hinton to grant; Laura M. Richards not present, not voting).

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

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: NOV 26 1997

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 TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION 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 certify and attest that on _____
NOV 26 1997 a copy of the order entered on that date in this matter was mailed first class,
postage prepaid to each party who appeared and participated in the public hearing concerning
this matter, and who is listed below:

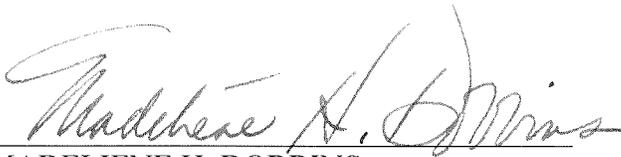
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Attested By: _____


MADELIENE H. DOBBINS
Director

Date: NOV 26 1997

Attest/ljp