

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16343** of District Associates 918, LLC, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception and a variance under the provisions of Subsection 2514.2 to allow the regulations applicable to a portion of the lot in a less restrictive use district to be extended to that portion of the lot in a more restrictive use district for the establishment of a restaurant on the basement and first floor of an existing structure in a C-4/SP-2 District at premises 918 16<sup>th</sup> Street, NW (Square 185; Lots 811, 812 and 813).

**HEARING DATE:** May 20, 1998  
**DECISION DATE:** May 20, 1998 (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) 2B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, did not submit a statement on the application.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception and an area variance pursuant to 11 DCMR 2514.2. 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. The Board further concludes that the applicant has met the burden of proof pursuant to 11 DCMR 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. 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 3331.3 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** (Betty King, Sheila Cross Reid and Maurice Foushee to grant).

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

ATTESTED BY:   
**SHERI M. PRUITT-WILLIAMS**  
**Interim Director**

MAY 27 1998

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

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 CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16343**

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 27 1998 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 the matter, and who is listed below:

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Kyle Pitsor, Chairperson  
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Dupont Circle  
P.O. Box 33224  
Washington, DC 20033

ATTESTED BY: *Sheri M. Pruitt-Williams*  
SHERI M. PRUITT-WILLIAMS  
Interim Director

MAY 27 1998

DATE: \_\_\_\_\_