

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16442 of the District of Columbia Housing Authority (Garfield Terrace Public Housing Development Community) pursuant to 11 DCMR 3108.1, for a special exception under Subsection 334.1 to establish a temporary community service center in an R-4 District at premises 2371 11th Street, N.W. (Square 2864, Lot 334).

HEARING DATE: April 21, 1999
DECISION DATE: April 21, 1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the 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 this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR 334.1. The Board received a letter from City Council member Jim Graham requesting, on behalf of an ANC Commissioner, that the hearing be postponed. The Board determined that all of the issues brought to its attention were satisfactorily resolved. In addition, the property was properly posted; therefore, anyone could have testified on the application. No person or entity appearing as a party to this case testified in opposition to the application.

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. 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 be **GRANTED, SUBJECT** to the following **CONDITIONS**:

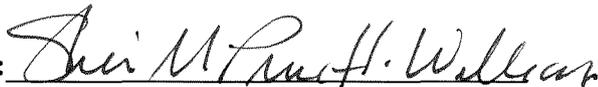
1. Approval shall be for a period of **THREE (3) YEARS**.
2. There shall be no more than **SIXTY (60)** people (staff, volunteers and participants) in the facility at one time.
3. The hours and days of operation shall be 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m., on Saturdays.
4. Trash shall be picked up as necessary.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: 4 – 0 (Anthony Hood, Sheila Cross Reid, Jerry Gilreath and Betty King to grant.)

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

ATTESTED BY:



SHERI M. PRUITT-WILLIAMS

Interim Director

FINAL DATE OF ORDER: MAY 28 1999

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."

Application No. 16442
Page 3

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/5-17-99

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BZA APPLICATION NO. 16442

As Interim Director of the Office of Zoning, I hereby certify and attest that on MAY 28 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment 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:

District of Columbia Housing Authority
Office of the General Counsel
1133 North Capitol Street, NE, Suite 200
Washington, DC 20002-7599
ATTN: Eilene Brown, Asst. General Counsel

Nik Eames, Chairperson
Advisory Neighborhood Commission 1B
PO Box 73710
Washington, DC 20009-3710

ATTESTED BY:

Sheri M. Pruitt-Williams
SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: MAY 28 1999