

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16497 2125 S Street LLC pursuant to 11 DCMR 3107.2 (**new 3103.2**) for a use variance from Section 320.3 to allow the renovation and conversion of a vacant private school and church into an eight (8) unit condominium which exceeds the lot occupancy requirements; an area variance from Section 2001.3(a)(b)(c) to allow an enlargement and addition to a nonconforming structure in an R-3 District at premises 2125 S Street, N.W. (Square 2532, Lot 49).

HEARING DATE: October 13, 1999
DECISION DATE: October 13, 1999

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) 1D and ANC -1C, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC-1D. ANC-1D, which is automatically a party to this application, submitted a written statement in support of the application based on an agreement between ANC 1-D and the Developer. The Board determined that the agreement could be part of the public record however is not a condition of this order.

As directed by 11 DCMR 3324.2, (**new 3119.2**) the board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a use variance pursuant to 11 D CMR Section 320.3 and an area variance pursuant to 11 DCMR Section 2001.3(a)(b)(c). No person or entity appearing as a party to this case testified in opposition to the application. 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 3107.2 (**new 3103.2**), 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, (**new 3101.6**) the Board has determined to waive the requirement of 11 DCMR 3331.3 (**new 3125.3**) 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: 3 – 0 (Robert Sockwell, Sheila Cross Reid and Jerry Gilreath.)

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

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: FEB - 8 2000

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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER HAVING BECOME FINAL PURSUANT SECTION 3125.6.

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.

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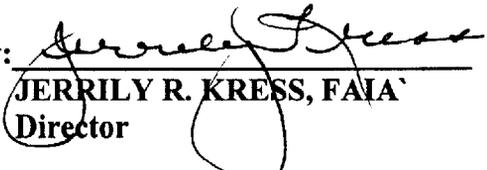


BZA APPLICATION NO.: 16497

As Director of the Office of Zoning, I certify and attest that on FEB - 8 - 2000 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:

Christopher H. Collins, Esquire
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Linda K. Bumbalo, Chairperson
Advisory Neighborhood Commission 1D
P.O. Box 53342
Washington, D.C. 20009

Attested by: 

JERRILY R. KRESS, FAIA
Director

Date: FEB - 8 - 2000

Attest/16497/1-18-00/POH