

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16523 of Delta Sigma Theta Sorority, Inc., pursuant to 11 DCMR 3018.1 (**new 3104.1**) and 3107.2 (**new 3103.2**) for a special exception under Section 217 for an addition to a non-profit office to be used by the Sorority and area variances under Subsections 2001.3(a) and (c), 402.4 and 403.2 from the percentage of lot occupancy and the floor area ratio in the D/DC/R-5-B District at premises 1703 and 1707 New Hampshire Avenue, N.W. (Square 154, Lots 44 and 22).

HEARING DATE: December 1, 1999
DECISION DATE: December 1, 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 Commissions (ANCs) 2B and 1C and to property owners within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2B and in proximity to ANC 1C. ANC 2B, which is automatically a party to this application, submitted a written statement in support of the application. ANC 1C did not submit a statement in this application or otherwise participate in the proceedings. The Board gave the written report of ANC 2B the "great weight" to which it is entitled.

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 special exception pursuant to 11 DCMR Section 217 and for variances from the strict application of the requirements of 11 DCMR Subsections 2001.3(a) and (c), 402.4 and 403.2 of the Zoning Regulations. No person or 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 3108.1 (**new 3104.1**), 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. The Board also concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107.2 (**new 3103.2**), that there exists an extraordinary or exceptional 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 substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations

and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITION**:

1. Additions to the building shall be in accordance with the plans dated November 29, 1999 and marked as Exhibit No. 34 of the record; except that the applicant shall be granted flexibility to make minor changes to the façade of the additions in compliance with the final design approval of the Historic Preservation Review Board.

Pursuant to 11 DCMR 3301.1 (**new 3101.6**), the Board has determined to waive the provisions 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 and lawful in this case.

VOTE: 4-0: (Jerry H. Gilreath, Anthony J. Hood, Sheila Cross Reid and Robert N. Sockwell to grant.)

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

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 23 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAWS 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 OR 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 (NEW SUBSECTION 3125.9), "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

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
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16523

As Director of the Board of Zoning Adjustment, I certify and attest that on DEC 23 1999 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:

Madeliene H. Dobbins
Arter & Hadden LLP
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006

Kyle Pitsor, Chairperson
Advisory Neighborhood Commission 2B
C/o St. Thomas Parish
P. O. Box 33224
Washington, D.C. 20033-0224

Linda Softli, Chairperson
Advisory Neighborhood Commission 1C
C/o Marie Reed School
1728 Kalorama Road, N.W.
Washington, D.C. 20009



JERRILY R. KRESS, FAIA
Director