

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16669 of G.K.D. 1412 Chapin Street, L.L.C., pursuant to 11 DCMR § 3103.2 for variances from the height, lot occupancy, floor area ratio and rear yard requirements (subsections 400.1, 403.2, 402.4 and 404.1) to construct a new apartment building in an R-5-B District at premises 1412 Chapin Street, N.W. (Square 2661, Lot 152).

HEARING DATE: February 20, 2001
DECISION DATE: February 20, 2001 (Bench Decision)

SUMMARY ORDER

The applicant, G.K.D. 1412 Chapin Street, L.L.C, seeks variances from 11 DCMR subsections 400.1, 403.2, 402.4 and 404.1 to construct a new apartment building. The zoning relief requested in this case is self-certified pursuant to 11 DCMR § 3113.2.

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) 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 the application, filed a written statement, dated December 28, 2000, of issues and concerns in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR subsections 400.1, 403.2, 402.4 and 404.1. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to 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 its burden of proof, pursuant to 11 DCMR § 3103.2. The Board further concludes 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 the application is **GRANTED** subject to the following conditions:

1. The applicant shall designate a person to serve as the liaison with the community during the construction period. That person's name and phone number shall be furnished to Advisory

Neighborhood Commission 1B and shall be posted on a sign on the site. The community liaison shall be available during in the evenings and on the weekends, to respond to emergencies.

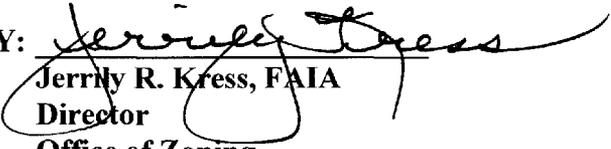
2. There shall be no after hours construction. Construction activities shall occur within the hours specified by the D.C. Construction Code Supplement 1999.
3. There shall be no excavation on Saturdays or Sundays.
4. No construction trucks shall use Chapin Street west of the subject property.
5. The site and adjacent streets and alleys shall be kept clean of construction debris and dirt from excavation.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 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 not prohibited by law.

VOTE: 5-0-0 (Robert N. Sockwell, John G. Parsons, Sheila Cross Reid, Anne M. Renshaw and Susan M. Hinton to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this order

ATTESTED BY:


Jerry R. Kress, FAIA
Director
Office of Zoning

FINAL DATE OF ORDER: MAR 19 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

SMP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 16669:

As Director of the Office of Zoning, I hereby certify and attest that on MAR 19 2001, a copy of foregoing Decision and Order in BZA Application No. 16669 was mailed first class, postage prepaid, or via D.C. Government interoffice mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr.
Holland & Knight
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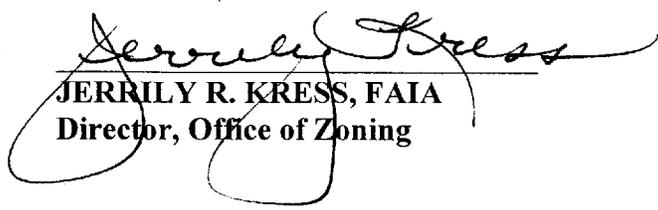
Catherine Hammond
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Lawrence T. Guyot, Jr. Chairperson
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Michael Johnson
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ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning