

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16671 of The Episcopal Center for Children**, pursuant to 11 DCMR § DCMR 3104.1, for a special exception under section 206 to allow the construction of a library/media center on the grounds of an existing private school in an R-1-B District at premises 5901 Utah Avenue, N.W. (Square 2319, Lot 829).

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

**SUMMARY ORDER**

The applicant, The Episcopal Center for Children, seeks a special exception from 11 DCMR § 3104.1, for a special exception under section 206 to allow the construction of a library/media center on the grounds of an existing private school in a R-1-B District at premises 5901 Utah Avenue, N.W. (Square 2319, Lot 829). 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) 3G and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to the application, filed a written statement, dated February 13, 2001, expressing its support for the application based on the Episcopal Center's agreement to enter into a construction agreement with the ANC and/or neighbors.

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 special exception pursuant to 11 DCMR § 3104.1. 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 advised 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 § 3104.1, and that the requested relief can be granted as 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 in accordance with the Zoning Regulations and Map.

Based upon the record before the Board, the Board concludes that the applicant has met its burden of proof, pursuant to 11 DCMR § 3104.1, and that the requested relief can be granted as 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 in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED** subject to the following conditions:

1. The terms and conditions of the Construction Management Plan, submitted by the Applicant as Exhibit No. 48 of the record in this case, are incorporated in this order and shall be enforceable in the same manner as any other condition contained in this order.
2. In addition, no queing of construction related trucks or traffic shall occur in the alley adjacent to the Applicant's property, and the alley shall be kept clean of construction related debris, dirt and mud.
3. All lighting for the library/media center shall consist of low-level lighting to protect adjoining properties.

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

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

Each concurring member has approved the issuance of this order.

ATTESTED BY:

  
\_\_\_\_\_  
**JERRILY R. KRESS, FAIA**  
**DIRECTOR**  
**OFFICE OF ZONING**

**FINAL DATE OF ORDER:**                     **MAR 16 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

★ ★ ★



**BZA APPLICATION NO. 16671:**

As Director of the Office of Zoning, I hereby certify and attest that on MAR 16 2001, a copy of foregoing Decision and Order in BZA Application 16671 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:

ShawPittman  
John Epting, Esq  
Paul Tummonds Jr., Esq  
2300 N Street, N.W.  
Washington, D.C. 20037

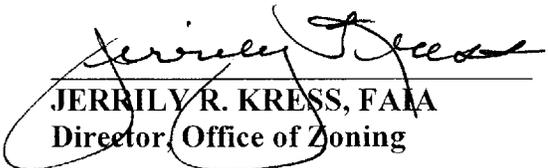
Anne M. Renshaw  
Advisory Neighborhood Commission  
3G  
Chevy Chase Community Center  
5601 Connecticut Ave N.W.  
Washington, DC 20015

Allen E. Beach  
ANC Single Member District 3G04  
3342 Stuyvesant Place, N.W.  
Washington D.C. 20015

Councilmember Kathleen Patterson  
441 4<sup>th</sup> Street, N.W.  
Suite 708  
Washington, D.C. 20001

Michael Johnson  
Zoning Administrator  
Building and Land Regulation Administration  
Department of Consumer and Regulatory Affairs  
941 N. Capitol Street, N.E.  
Washington, D.C. 20002

ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
Director, Office of Zoning