

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17625 of Our Lady of Victory Church, pursuant to 11 DCMR § 3104.1, a special exception for the placement of a temporary classroom modular trailer on an existing private school campus under Section 206, in the R-1-B Zone District, at 4755 Whitehaven Parkway, NW (Square 1374, Lot 4).

HEARING DATE: June 19, 2007

DECISION DATE: June 19, 2007 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR §3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, by mail to Advisory Neighborhood Commission (“ANC”) 3D, and to owners of property within 200 feet of the site. The property that is the subject of this application is located within the jurisdiction of ANC 3D.

As directed by 11 DCMR §3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case pursuant to § 3104.1, for a special exception under § 206 of the Zoning Regulations. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The applicant operates a private school for pre-kindergarten through 8th grade with classroom instruction generally from 8 am to 3 pm. The applicant seeks only the temporary placement of one modular trailer to be used as a classroom on the school’s property while interior construction activity is undertaken in the existing school building on the applicant’s property.

The D.C. Office of Planning (“OP”) concluded that the application is in conformance with the provisions of § 206. ANC 3D submitted a letter in support of the application, dated May 17, 2007, unanimously approving the request for special exception.

Based upon the record, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 and 206, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and

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Map. The Board further concludes that granting the special exception will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Board notes, and gives great weight to, the report of OP that the application satisfies the requirements of § 206. The Board also notes, and gives great weight to, ANC 3D's support for the application.

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

1. The Applicant is permitted to locate the temporary classroom modular trailer on its property for up to FIVE (5) years from the date that the trailer is placed on the property.

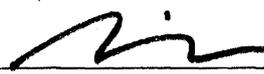
Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4-0-1: (Ruthanne G. Miller, Curtis L. Etherly, Jr., Marc D. Loud, and John A. Mann II to approve, the Zoning Commission member not participating, not voting).

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

Each concurring member approved the issuance of this Order.

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning *J*

FINAL DATE OF ORDER: JUN 21 2007

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE

APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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As Director of the Office of Zoning, I hereby certify and attest that on July 21, 2007, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning

JK