

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 17636-A of National Capital Revitalization Corporation on behalf of Redevelopment Land Agency Revitalization Corporation**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the parking requirements under subsections 2101.1 and 2115.4, a variance from the loading requirements under subsection 2201.1, and a special exception from the Georgia Avenue Commercial Overlay provisions under subsection 1329.2, to allow the construction of a 115 unit residential building having ground floor retail in the GA(Georgia Avenue Commercial Overlay)/C-3-A District at premises 3910-3912 Georgia Avenue, N.W. (Square 2906, Lots 848 and 849).

Note: The applicant amended the application eliminating originally requested variances from the FAR and lot occupancy requirements.

**CORRECTED SUMMARY ORDER**

Note: This order corrects BZA Order No. 17636 by indicating that the architectural plans labeled in the record as Exhibit 31 were also approved by this application.

**HEARING DATE:** July 10, 2007  
**DECISION DATE:** July 10, 2007 (Bench Decision)

**SELF-CERTIFIED**

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, and by mail to Advisory Neighborhood Commission (ANC) 4C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C submitted a letter in support of the application. The Office of Planning (OP) submitted a report 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 pursuant to § 3104.1, for a special exception under section 1329.2, and variances pursuant to § 3103.2

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441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)

Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)

**BZA APPLICATION NOS. 17636-A  
PAGE NO. 2**

from the requirements of sections 2101.1, 2115.4 and 2201.1. 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.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 1329.2, that the requested relief can be granted, 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.

Based upon the record before the Board, the Board further concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 2101.1, 2115.4 and 2201.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the 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.

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 this application (pursuant to Exhibits 24 and 31 – Architectural Plans) be **GRANTED**.

**VOTE:**        4-0-1            (Curtis L. Etherly, Jr., Marc D. Loud, Ruthanne G. Miller and John A. Mann II to Approve. The Zoning Commission member not voting, not having participated in the case).

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

Each concurring member approved the issuance of this order.

**ATTESTED BY:**

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

**FINAL DATE OF ORDER:** July 12, 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."

**BZA APPLICATION NOS. 17636-A**  
**PAGE NO. 3**

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 § 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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
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**BZA APPLICATION NO. 17636-A CORRECTED ORDER**

As Director of the Office of Zoning, I hereby certify and attest that on August 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:

Lyle M. Blanchard, Esq.  
Greenstein, DeLorme & Luchs, PC  
1620 L Street, N.W., Suite 900  
Washington, D.C. 20036

Chairperson  
Advisory Neighborhood Commission 4C  
P.O. Box 60847  
Washington, D.C. 20011

Single Member District Commissioner 4C06  
Advisory Neighborhood Commission 4B  
P.O. Box 60847  
Washington, D.C. 20011

Muriel Bowser, Councilmember  
Ward Four  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Matthew LeGrant, Zoning Administrator  
Building and Land Regulation Administration  
Department of Consumer and Regulatory Affairs  
941 N. Capitol Street, N.E. # 2000  
Washington, D.C. 20002

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441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)

**BZA APPLICATION NO. 17636-A**  
**PAGE NO. 2**

Harriet Tregoning, Director  
Office of Planning  
801 North Capitol Street, N.E.  
4<sup>th</sup> Floor  
Washington, D.C. 20002

rsn

**ATTESTED BY:**

  

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