

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17717 of Central Union Mission, pursuant to 11 DCMR §§ 3104.1, 1330.1, 1328.2, and 1304.1 for a special exception to permit the development of a property in excess of 12,000 square feet within the Georgia Avenue Commercial Overlay to construct a mixed-use building with 37 residential units, office and retail uses in the GA/C-3-A District, at premises 3506-3512 Georgia Avenue, N.W., and 714 Newton Place, N.W. (Square 2895, Lots 825, 826, 830, and 831).¹

HEARING DATES: February 19 and October 28, 2008; April 21 and September 22, 2009
DECISION DATE: September 22, 2009

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 64)

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) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. On September 17, 2009, ANC 1A voted to recommend conditional approval of the application. Although the ANC's report was not timely due to special circumstances, the ANC asked for, and the Board granted, a waiver of the time requirement.² (Exhibit 67) The Office of Planning (OP) submitted a report in support of

¹ The Applicant amended the original application in its pre-hearing statement (Exhibit 64) and at the hearing where special exception under subsection 1328.2 was added to the relief sought.

² The ANC's recommendation to approve the amended application (Exhibit 67) revised its initial position opposing the original application. (Exhibit 46) In its final report, the ANC indicated that its approval was contingent on the Applicant agreeing that neither a shelter nor a community-based residential facility would be located on the premises. The Applicant agreed to the condition. (Exhibit 64)

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the relief pursuant to subsections 1330.1, 1304.1, 3104.1, and 1328.2. (Exhibit 65) The District Department of Transportation (DDOT) submitted a report recommending conditional support of the Applicant's request. (Exhibit 68)

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 special exception under subsections 1330.1, 1328.2, and 1304.1. No parties appeared at the public hearing in opposition to this application.³ 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, 1330.1, 1328.2, and 1304.1, 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.

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. It is therefore **ORDERED** that this application (pursuant to Exhibit 64 – Amended Plans) be **GRANTED AS CONDITIONED**:

1. The mixed-use development shall not include a Community-Based Residential Facility or Emergency Shelter.

VOTE: **3-1-1** (Marc D. Loud, Meridith H. Moldenhauer to APPROVE; Konrad Schlater to DISAPPROVE. Third Mayoral appointee (vacant) not participating, not voting.)

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

The majority of the Board members approved the issuance of this order.

³ The Board had received 4 applications for party status in opposition to the initial application (Exhibits 30, 36, 42, and 48), but none of the party status applicants attended the hearing on September 22, 2009. The Board, by consensus, denied the requests for party status, given that the four were not in attendance at the hearing in order to participate. The record contained numerous letters of opposition to the application; however, none of them were parties. (Exhibits 21, 22, 24-29, 31-32, 34-35, 37-41, 43-47, 50-53, 55-60)

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 1 2009

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 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.

IN ACCORDANCE WITH THE 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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS

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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.

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.

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As Director of the Office of Zoning, I hereby certify and attest that on OCT 1, 2009, 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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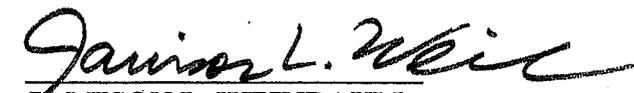
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