

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Order No. 18903-A in Application No. 18903 of Distance Education and Training Council, pursuant to 11 DCMR § 3104.1, for a special exception under § 508 to allow office use as a replacement for a private club use in a condominium unit (Unit 2A)¹ within an existing mixed-use building in the DC/SP-1 District at premises 1601 18th Street, N.W. (Square 155, Lot 2288).

HEARING DATE: January 27, 2015
DECISION DATE: January 27, 2015

CORRECTED SUMMARY ORDER²

SELF-CERTIFIED

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

The Board of Zoning Adjustment ("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") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a resolution in support of the application. (Exhibit 41.) The ANC indicated that at its duly noticed January 14, 2015 meeting, at which a quorum was present, the ANC voted 9-0 to support the application.

¹ This order corrects BZA Order No. 18903 in which the lot number was erroneously cited as Lot 2188. The purpose of this Corrected Order is to correct the lot number cited and provide clarification regarding the lot numbers related to this application. The subject property is a condominium unit within a building. The lot number for the building at 1601 18th Street, N.W. is Lot 0054 in Square 155. The lot number for the individual condominium unit – Unit 2A – is Lot 2288 in Square 155. The Office of Zoning notes that when searching for individual condominium units on the Official Zoning Map using the square and lot number search, the following note appears: “When performing a specific square and lot search for a condominium lot, please be advised that because condominium lots have no defined polygons, the underlying record or tax lot that host the condominium lot will be displayed in the info window and highlighted on the map.”

² The correct lot number is Lot 2288. In all other respects, BZA Order No. 18903 remains unchanged.

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The Office of Planning ("OP") submitted a timely report on January 13, 2015, recommending approval of the application (Exhibit 38) and testified in support of the application at the hearing. The Department of Transportation did not file a report related to the application. One letter of support from the Imperial House Board of Directors was filed in the record. (Exhibit 39.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to § 3104.1 for a special exception under 11 DCMR § 508. No parties appeared at the public hearing in opposition to the 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 filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 508, 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. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED that this application is HEREBY GRANTED.**

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Peter G. May to APPROVE; S. Kathryn Allen not present not voting)

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

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

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 5, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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.

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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, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.