**Friday, July 06, 2001**

# MEMO TO FILE

## Application No. 16521 of Charles A. Sisson

**RELIEF SOUGHT:** Pursuant to 11 DCMR 3103.2, for a variance from the front yard setback requirements under Subsections 1543.4 and 1543.2 from the allowable percentage of lot occupancy of a dwelling for the construction of a front porch, rear addition and accessory garage in the WHOD/R-1-A District at premises 3020 43rd Street, N.W. (Square 1621, Lot 70).[1]

### CHRONOLOGY OF BZA ACTIONS

| DATE | ACTIONS |
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| 1. **Appeal No. 16405** | Hearing Dates: December 16, 1998, February 17, 1999, April 21, 1999, May 5, 1999, May 19, 1999 and May 26, 1999. Mildred Crary, abutting property owner, challenged three building permits, and sought to amend the Appeal to include two other building permits.<br><br>Decision June 16, 1999.<br><br>▪ The motion to **DISMISS** the Appeal based on timeliness was **DENIED.**<br><br>▪ The Board indicated that the **ZA ERRED** in issuing five building permits and **ORDERED** that the Appeal be **GRANTED.** |
| 2. December 8, 1999 | A hearing was scheduled on the application. The Board determined that the order on the appeal should be issued prior to consideration of the application. (Appeal No. 16405 Mildred Crary)<br><br>**Board Members: Mrs. Reid, Mr. Gilreath, Mr. Holman, Mr. Sockwell** |
| 3. December 28, 1999 | Appeal Order Issued |
| 4. May 3, 2000 | Counsel representing Mildred Crary requested that the application be: (a) dismissed; (b) continued to another hearing date to provide sufficient time for the ZA to redo the comp. sheet; or (3) held in abeyance until a decision is made by the Court of Appeals on the site's previously issued order. The Board postponed the hearing.<br><br>**Board Members: Mrs. Reid, Mr. Sockwell, Mr. Moulden, Mrs. Renshaw, Mr. Hood** |
| 5. May 16, 2000 | At the request of the parties and the ZA, the Board RESCHEDULED the hearing.<br><br>**Board Members: Mrs. Reid, Mr. Holman, Mr. Moulden, Mr. Sockwell, Mrs. Renshaw** |

[1] **The ZA's memo dated April 23, 2001 indicates that zoning relief is also required under subsections 2001.3(b) of the Zoning Regulations.**

Board of Zoning Adjustment
District of Columbia
CASE NO.16521
EXHIBIT NO.80

BZA
Case No. 16521
Exhibit No. 80

6. May 24, 2000

During preliminary matters, several items were discussed. They included:

- Continuing the hearing to JUNE 20, 2000, to provide sufficient time for the applicant to meet with and provide additional information to Advisory Neighborhood Commission (ANC) 3D.

- The Board responded to a motion made by Pat Brown, Counsel for Mildred Crary, to dismiss the application. The Board indicated that it would postpone making a decision on the motion until June 20, 2000. At that time, all of the information required by the applicant and the ZA should be available.

- The Applicant is to provide the Board, the ZA, the ANC and Counsel for Mildred Crary with:

    1) An "as built survey" to be prepared by a registered land surveyor.

    2) Drawing/plat sufficient enough for determining the correct zoning data of the property – front, rear and side lot lines; lot occupancy; building height; and, floor area ratio.

- The Board instructed staff to apprise the ZA of the new hearing date and request his attendance at the June 20, 2000 public hearing.

- The Board asked Counsel for Mildred Crary to identify whether there are inconsistent positions being taken with the subject application and the appeal case that is pending before the Court of Appeals on the site.

**Board Members Participating: Mr. Holman, Mrs. Reid Mrs. Renshaw, Mr. Moulden and Mr. Sockwell**

7. June 20, 2000

Mildred Crary and Advisor Neighborhood Commission 3D requested that the hearing be postponed. Based on the facts available to Board, it was determined that the hearing be POSTPONED to OCTOBER 17, 2000. The Board requested:

1) A final report (with recommendation for disposing of the project) from ANC 3D; and,

2) Correspondence from the ZA informing the Board of the correct zoning relief required for the project.

Staff was instructed to inform the ZA of the new hearing date. The ZA was to provide the parties (the applicant, the ANC 3D and Mildred Crary) with a copy of correspondence identifying the correct zoning relief, which is required for the project.

**Board Members Participating: Mr. Holman, Mrs. Reid** Mrs. Renshaw, Mr. Moulden and Mr. Sockwell

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| 8. October 17, 2000 | A hearing was held on the application. The applicant submitted a remedial building permit. Board continued the hearing to DECEMBER 5, 2000. The Board requested that staff send Advisory Neighborhood Commission 3D a letter informing the Commission of the new information submitted by Mr. Sisson and of the continued hearing date. The new information provided by Mr. Sisson was a Building Permit dated 10/11/00 and revised building plans.<br><br>**Board Members Participating: Mr. Holman, Mrs. Reid Mrs. Renshaw, Mr. Moulden and Mr. Sockwell** |
| 9. December 5, 2000 | The Board determined that the only zoning relief required for this project would be for construction of the roof over the front porch, whether it should remain or be removed. [See page 37 of the December 5, 2000 public meeting transcript.] The Board concluded hearing the case and determined that a decision would be made at its JANUARY 2, 2001 public meeting.<br><br>**Board Members Participating: Mr. Holman, Mrs. Reid Mrs. Renshaw, Mr. Moulden and Mr. Sockwell** |
| 10. January 2, 2001 | The Board indicated that additional information would be needed prior to making its decision. The project was referred back to the ZA for a determination about the required relief. A new decision date was unspecified.<br><br>**Board Members Participating: Mrs. Reid Mrs. Renshaw, and Mr. Sockwell** |
| 11. July 3, 2001 | The Board postponed making a decision on the application and requested: (1) that the application be re-published and all those concerned are re-noticed; (2) that the ZA's memo dated April 23, 01 (Exhibit No. 75) be served on the parties; and (3) that the ZA should respond to questions raised by the Board. The Board instructed staff to send the full record to Mr. Griffis and Mrs. Mitten to read so that they can participate in making the decision on the case.<br><br>**Board Members Participating: Mrs. Renshaw, Mr. Griffis, Mrs. Mitten** |
| 12. July 31, 2001 | A decision is scheduled by the Board. |
| 13. **APPEAL 16679 – November 30, 2000** | Pending remedial building permit. |