GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16537 of Gregory G. Zahn, pursuant to 11 DCMR 3103.2 for a variance under Section 402.4 from the floor area ratio limitation requirements and Subsections 2001.3 (a) and (c) for variances to allow a second-story addition and roof deck from the allowed percentage of lot occupancy, the gross floor area and to extend the existing non-conforming rear yard set back requirements in a DCOD/R-5-B District at premises 1727 21st Street, N.W. (Square 92, Lot 22).

HEARING DATE: **July 5, 2000**
DECISION DATE: **July 5, 2000**

SUMMARY ORDER

The zoning relief requested in this application is self-certified, pursuant to 11 DCMR 3113.2.

The Board provided proper and timely notice of 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 within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, submitted a written statement 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 which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR 402.4 and 2001.3 (a) and (c). No person or entity appearing as a party to this case testified 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations and that the requested 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. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

BZA
Case No. 16537
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16537
EXHIBIT NO.39

VOTE: 4-0-1 (Robert N. Sockwell, Anthony J. Hood, Sheila Cross Reid, and by proxy, Rodney L. Moulden, to grant; Anne M. Renshaw, not voting, not being present).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: SEP 11 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1999), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16537

As Director of the Office of Zoning, I hereby testify and attest that on SEP 11 2008 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Gregory Zahn
1727 21st Street, N.W.
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James F. Smith
6 Logan Circle, N.W., Suite 3
Washington, D.C. 20005

Kyle Pitsor, Chairperson
Advisory Neighborhood Commission 2B
P. O. Box 33224
Washington, D.C. 20033

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E.
Washington, D.C. 20009

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR

Attest16537/jkn/082500