GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16547 of Pamela Hess, pursuant to 11 DCMR Subsection 3103.2, for a variance from Subsections 2001.3(a)(b) and (c) and 403.2 to allow for a proposed addition to an existing non-conforming[1] structure and of the allowable percentage of lot occupancy in an R-4 District at premises 521 7th Street, S.E. (Square 877, Lot 902).

HEARING DATE: February 9, 2000 and April 5, 2000
DECISION DATE: April 5, 2000

SUMMARY ORDER

The zoning relief requested in this case is by a zoning memorandum from the Division of Zoning of the Department of Consumer and Regulatory Affairs that specifies the zoning relief required by the applicant.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to this application, did not submit a statement on the application.

A public hearing notice was initially sent to ANC 6C on this application. The site is located in ANC 6B; accordingly, the public hearing notice was revised and sent to the correct ANC.

The Applicant initially provided a defective list of people who reside within 200 feet of the site. The address listing was corrected and new public hearing notices were sent.

[1] Testimony was presented by the Capitol Hill Restoration Society that the structure was made non-conforming as a result of action taken by the city (Exhibit No. 42). The Society requested that the Board send the application back to the Zoning Administrator, with instructions to treat the building as if it were conforming. The Board determined that a practical difficulty does exist at the site, and approving the case would be the most efficient way to dispose of the application.

Board of Zoning Adjustment
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CASE NO.16547
EXHIBIT NO.43

#43

Pursuant to 11 DCMR Subsection 3119.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR Subsections 2001.3 (a) (b) and (c), and 403.2. 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 Subsection 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner to comply with the Zoning Regulations; that the requested relief can be granted without substantial detriment to the public good; and, that the relief can be executed 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 Subsection 3101.6, the Board waives the requirement of 11 DCMR Subsection 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.

VOTE: 3-0 (Carol Mitten, Sheila Cross Reid and Robert Sockwell to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 1 - 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), 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 (1987), 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 DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6".

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

BAB/4-7-00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16547

As Director of the Office of Zoning, I hereby certify and attest that on MAY 1 - 2000 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:

Pamela Hess
521 7th Street, S.E.
Washington, DC 20003

Peter J. Waldron, Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

Lyle R. Schauer, Zoning Chair
Capitol Hill Restoration Society
P.O. Box 15264
Washington, DC 20003

Michael Johnson, Zoning Administrator
Building & Land Regulation Administration
Dept. of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
Washington, DC 20009

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

DATE: MAY 1 - 2000