GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16562 of Michael Malik, pursuant to 11 DCMR 3103.2, for a variance under Subsection 2001.3 to allow an addition, alteration and repair to an existing 4 unit apartment complex for one additional unit, under Subsection 403.2 from the percentage of lot occupancy limitation under Subsection 404.1 from the minimum depth of rear yard requirements under Subsection 406.1 from the minimum allowable area of a closed court and its width and Subsection 2101.1 for parking in an R-5-D District at premises 1314 Rhode Island Avenue, N.W.(Square 242, Lot 94).

HEARING DATE: April 5, 2000

DECISION DATE: April 5, 2000 (Bench Decision)

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) 2F and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2F. The ANC is automatically a party to this application, but did not submit a written statement on the application.

As directed by 11 DCMR 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, 403.2, 404.1, 406.1 and 2101.1. 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 practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without

BZA
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Exhibit No. 37

Board of Zoning Adjustment
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EXHIBIT NO.37

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.

VOTE: 3 – 0 (Robert N. Sockwell, Carol J. Mitten, and Sheila Cross Reid to grant).

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

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

FINAL DATE OF ORDER: JUN 19 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SUBSECTION 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 DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT 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.

VCE/16264

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO.16562

As the Director of the Office of Zoning, I hereby certify and attest that on JUN 19 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:

Michael Melik
1330 Vermont Avenue, N.W.
Washington, D.C. 20005

Advisory Neighborhood Commission 2F
P.O. Box 9348, Mid-City Station,
Washington, D.C.20005

Michael Johnson, Zoning Administrator
Department of Consumer & regulatory Affairs
941 North Capitol Street, N.E. Washington, D. C. 20002

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

DATE: JUN 19 2000