GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16577 of William T. Birney, pursuant to 11 DCMR 3103.2 for a variance under Section 405 from the side yard requirements and from Subsection 2101.1 for a variance from the off-street parking requirements to allow the conversion of an existing garage into living space in an R-1-B District at premises 3345 Runnymeade Place, N.W. (Square 2008, Lot 27).[1]

HEARING DATE: June 7, 2000
DECISION DATE: June 7, 2000 (Bench Decision)

SUMMARY ORDER

This application is accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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

The site of this application is located within the jurisdiction of ANC 3G. ANC 3G, 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 Section 405 and Subsection 2101.1.

The Board considered this application under two motions. On the first motion requesting parking relief, the Board ruled that it did not believe that a variance from the off-street parking requirements was necessary and that conversion of the existing garage is acceptable. The Board further stated that the off-street parking can be accomplished by a parking pad open to the elements in the rear of the yard and that it was not an issue that needed to be before the Board. The Board voted to **DENY** the request for parking relief under Subsection 2101.1.

On the second motion, requesting relief from the side yard requirements under Subsection 405.9, the Board voted to amend the application from a side yard variance to a special exception, pursuant to 11 DCMR 3104.1, under Section 223. The Board voted to **GRANT** the application as amended.

[1] The Board determined to amend the application for a side yard variance under Section 405.9, to a special exception pursuant to 11 DCMR 3104.1, Section 223.

BZA
Case No.
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16577
EXHIBIT NO.23

No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. 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 3104.1 for a special exception under Section 223 (amended), which will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The Board further concludes that the Applicant has not met the burden of proof pursuant to 11 DCMR 3103.2, under Subsection 2101.1 for a variance from off-street parking and that there does not exist an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief cannot 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 the amended application for a special exception be **GRANTED** and the application for a variance from off-street parking be **DENIED.**

Pursuant to 11 DCMR 3101.6, 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.

VOTE: **4-0** (Robert Sockwell, Anthony Hood, Anne Renshaw and Rodney to approve the amended application for a special exception for the requested addition).

VOTE: **4-0** (Robert Sockwell, Anne Renshaw, Rodney Moulden and Anthony Hood to deny the variance from the off-street parking requirement).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

Final Date of Order: AUG _ 3 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 3103.1, "NO DECISION OR 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 CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

BZA APPLICATION NO: 16577

As Director of the Office of Zoning, I certify and attest that on AUG - 3 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 this matter, and who is listed below:

William T. Birney
3345 Runnymeade Place, N.W.
Washington, D.C. 20015

Jeff Norman, Vice-Chairperson
Advisory Neighborhood Commission 3G
P. O. BOX 6252
Northwest Station
Washington, D.C. 20015

Michael D. Johnson, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2112
Washington, D.C. 20002

Attested by: Jerrily Kress
JERRILY R. KRESS, FAIA
Director

Attest No. 16577 /poh