Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

Application No. 16595 of Linwood and Connie Tipton, pursuant to 11 DCMR 3103.2, for a variance under Subsection 2001.3 to exceed the allowable percentage of lot occupancy requirements under Section 403.2 to enlarge an existing detached garage and add a deck to the side of premises in an R-4 District located at premises 712 East Capitol Street, N.E. (Square 897, Lot 801).

HEARING DATE: September 19, 2000
DECISION DATE: September 19, 2000 (Bench Decision)

SUMMARY ORDER

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

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) 6A, 6B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6A, and in proximity to ANC 6B. ANC 6A is automatically a party to this application, but did not submit a written statement on the application. However ANC 6B submitted a written report in support of 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 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 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 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** with a condition that the Applicant modifies the drawing depicting a 7-foot side yard.

Board of Zoning Adjustment
District of Columbia
CASE NO.16595
EXHIBIT NO.40

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 –1 (Robert N. Sockwell, Rodney L. Moulden, Ann Renshaw, to approve – Anthony J. Hood, opposed).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: 0002 9 - 100

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), 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 (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 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 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.

Poh/vce/16595

Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16595

As the Director of the Office of Zoning, I hereby certify and attest that on OCT - 5 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:

Wanda C. Stevens-Harris, Chairperson
Advisory Neighborhood Commission 6A
624 H Street, N.E., Ground Floor
Washington, D.C. 20002

Peter J. Waldron, Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, S.E., Suite 108
Washington, D.C.20003

Howard Goldstein
1506 19th Street, N.W.
Washington, D.C. 20036

Michael Johnson, Zoning Administrator
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D. C. 20002

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

poh