GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16599 of Tia Cudahy, pursuant to 11 DCMR 3104.1, for a special exception under Section 223 for additions to the side and rear of an existing single-family dwelling in an R-3 District at premises 1521 31st Street, N.W. (Square 1269, Lot 370). [1]

HEARING DATE: July 25, 2000
DECISION DATE: July 25, 2000 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR 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) 2E, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a written statement supporting the applicant's proposal to construct the proposed addition. The ANC, however, did not take a position on the Applicant's use of a portion of the structure to house an accessory apartment.

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 special exception pursuant to 11 DCMR Section 223. 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 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED ONLY FOR THE CONSTRUCTION OF AN ADDITION TO THE DWELLING UNIT.**

BZA Case No. 16599 Exhibit No. 31

[1] The Board amended the application to indicate that the applicant is seeking zoning relief to establish an accessory apartment use at the site. The Board did not take a position on the accessory apartment use and deferred making a decision until September 2000.

Board of Zoning Adjustment
District of Columbia
CASE NO.16599
EXHIBIT NO.31

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: 4-0 (Robert Sockwell, Anne Renshaw, Sheila Cross Reid and John Parsons to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JUL 28 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 § 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/7.27.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16599

As Director of the Office of Zoning, I hereby certify and attest that on JUL 28 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:

Ms. Tia Cudahy
1521 31st Street, N.W.
Washington, DC 20007

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
Saint John's Episcopal Church
3265 S Street, N.W.
Washington, DC 20007

Michael Johnson
Zoning Administrator
Building & Land Reg. Admin.
941 North Capitol Street, N.E.
Suite 200
Washington, DC 20009

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director