GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**Application No. 16599(a) 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 DATES:** July 25, 2000 and September 5, 2000
**DECISION DATES:** July 25, 2000 and September 5, 2000

## 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 Board initially heard the application at its July 25, 2000 public hearing. At that time, the Board approved the application for construction of an addition to the dwelling unit. The Order approving construction of the addition was issued on July 28, 2000. The Board deferred making a decision on the accessory apartment until the recommendation of Advisory Neighborhood Commission 2E was received

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 statement indicating that it has had a long-established policy of rejecting special exceptions to allow for additional dwelling units in single-family homes in Georgetown.

The Board did not concur with the recommendation of ANC 2E. The Board indicated that the ANC's correspondence did not identify the Commission's reasons for objecting to the use of the site to accommodate an accessory apartment. Rather, the ANC's recommendation stated a general policy of the Commission objecting to accessory apartments in Georgetown.

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.

[1] The Board amended the application to indicate that the applicant is seeking relief to establish an accessory apartment use at the site.

BZA
Case No.
Exhibit No. 36

Board of Zoning Adjustment
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EXHIBIT NO.36

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 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 TO ESTABLISH AN ACCESSORY APARTMENT USE AT THE PREMISES.**

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** (John Parsons, Sheila Cross Reid and Anne Renshaw to grant.)

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

**ATTESTED BY:** _____
**JERRILY R. KRESS, FAIA**
**DIRECTOR**

**FINAL DATE OF ORDER:** SEP 18 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/9.11.00**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 16599(a)**

As Director of the Office of Zoning, I hereby certify and attest that on SEP 18 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 Regulation Administration
941 North Capitol Street, N.E., Suite 200
Washington, DC 20009

**ATTESTED BY:** _____
**JERRILY R. KRESS, FAIA**
**Director**