GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16606 of Traci Brown pursuant to 11 DCMR 3103.2 and 11 DCMR 3104.1, for a variance from the requirements of Subsection 2001.3(a)(b) and (c) to allow an enlargement to an existing non-conforming structure and a special exception under Subsection 223.1 to allow a non-conforming rear yard for a single family dwelling in an R-4 District at premises 1032 D Street, N.E. (Square 962, Lot 66).

HEARING DATE: October 10, 2000
DECISION DATE: November 8, 2000

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) 6A, 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 close proximity to ANC-2A. ANC-6A is automatically a party to this application. The ANC submitted a written report in support of the application

The District of Columbia Office of Planning (OP) by a memorandum dated October 10, 2000, and through testimony at the public hearing recommended that the Board approve 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 3103.2 Subsections 2001.3(a)(b) and (c) and a special exception under 11 DCMR 3104.1 Subsection 223.1. 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, Subsection 2001.3(a)(b) and (c) that there exists an exceptional or extraordinary situation or condition related to the property which creates practical difficulty and undue hardships for the owner in complying with

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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. The Board also concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, Subsection 223.1 that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. 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: 4– 0 (Robert N. Sockwell, Rodney L. Moulden, Sheila Cross Reid, to approve, Anthony J. Hood, to approve by proxy - Ann Renshaw, not present, not voting).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 18 2000

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.

vce/16606/poh