GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

Application No. 16615 of Sharon O'Reilly, pursuant to 11 DCMR 3104.1 for a special exception under Section 223 for relief from the percentage of lot occupancy and side yard and court requirements for an addition to an existing single-family dwelling in an R-3 District at premises 3208 Volta Place, N.W. (Square 1255, Lot 225).[1]

NOTE: The Board determined that the correct zoning relief required for this project is from 11 DCMR 3104.1 and 3103.2, for a special exception and area variance, under Section 223 (Subsection 403.2) from the percentage of lot occupancy requirement, and Subsection 2001.3 (a) and (c), from the nonconforming structures devoted to conforming use requirement.

HEARING DATE: November 14, 2000
DECISION DATE: November 14, 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 in support of the application. (Exhibit No. 21).

As directed by 11 DCMR Subsection 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 and area variance pursuant to 11 DCMR Subsections 3104.1 and 3103.2. 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 Sections 3104.1 and 223 (Subsection 403.2), that the

[1] Zoning relief for this project was not required from the side yard and court requirements of the Zoning Regulations.

#27

Board of Zoning Adjustment
District of Columbia
CASE NO.16615
EXHIBIT NO.27

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.

The Board also concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subsections 3103.2 and 2001.3 (a) (c), that there exists an exceptional or extraordinary situation or condition related to the property which creates a 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.**

Pursuant to 11 DCMR Subsection 3101.6, the Board waived the requirement of 11 DCMR Subsection 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 to 0 (Robert Sockwell, Sheila Cross Reid, Anne Renshaw and Anthony Hood to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC - 8 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/11.23.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16615

As Director of the Office of Zoning, I hereby certify and attest that on DEC -8 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:

Andre F. Houston
1053 31st Street, N.W.
Washington, D.C. 20007

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, DC 20007

Barbara Zartman
SMD Commissioner 2E04
1642 35th Street, N.W.
Washington, DC 20007

Councilmember Jack Evans
Ward Two
441 4th Street, N.W., Suite 703
Washington, DC 20001

Michael Johnson, Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director