GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No.16616 of Clay and Alisa Sell, pursuant to 11 DCMR § 3103.2 for variances from sections 403, 404 and subsection 2001. 3 for relief from the percentage lot occupancy, rear yard set back requirements, and increasing the non-conforming aspects of the structure to permit an addition to an existing single-family dwelling in an R-4 District at premises 500 A Street, S.E., (Square 841, Lot 804).

HEARING DATE: February 13, 2001
DECISION DATE: February 13, 2001 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this application is self-certified, pursuant to 11 DCMR § 3113.2

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6B. ANC 6B is automatically a party to this application. The ANC in a letter dated February 21, 2001, indicated its support for the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR §§ 403, 404 and 2001.3. 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 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 § 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

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the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4 – 0 - 1 (Carol J. Mitten, Robert N. Sockwell, Sheila Cross Reid and Anne M. Renshaw to approve; Susan M. Hinton not present, not voting).

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

Each concurring member has approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAR 2 8 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16616

As the Director of the Office of Zoning, I hereby certify and attest that on MAR 2 8 2001, 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

L. Leonard Hacker
Single Member District Commissioner 6B-03
319 9th Street, S.E.
Washington, D.C. 20003

Kanan P. Jarboe, Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, S. E., Suite 108
Washington, D.C. 20003

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

Sharon Ambrose, Councilmember
Ward 6
441 4TH Street, N.W., Room 710
Washington, D.C. 20001

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

ATT/VCE