GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**Application No. 16621 of Michelle Hester**, pursuant to 11 DCMR 3104.1, under Section 223.1 for a special exception to allow the establishment of a non-conforming side yard for an addition to an existing single-family dwelling in an R-1-B District at premises 3604 Quesada Street, N.W. (Square 1863, Lot 39).

**HEARING DATE:** November 8, 2000
**DECISION DATE:** November 8, 2000 (Bench Decision)

## 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, and by mail to Advisory Neighborhood Commission (ANC) 3G, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, filed a written statement in support of 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 special exception under 11 DCMR 3104.1. 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 3104.1, that the requested relief will be 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, SUBJECT** to the following **CONDITION:**

Board of Zoning Adjustment
District of Columbia
CASE NO.16621
EXHIBIT NO.28



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The construction shall be based on the applicant's revised plan dated November 15, 2000 (Exhibit No. 27 of the record).

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

**VOTE: 4-0** (Carol J. Mitten, Rodney L.Moulden, Shiela Cross Reid and Robert N. Sockwell, to approve; Anne M.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 - 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 DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 16621**

As Director of the Office of Zoning, I hereby certify and attest that on DEC -8 2000 a copy of the order (No. 16407-A) entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Michelle Hester
3604 Quesada Street, N.W.
Washington, D.C.20015

Jeff Norman, Vice-Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252 Northwest Station
Washington, D.C. 20015

Allen E. Beach, SMDC
Advisory Neighborhood Commission 3G04
3342 Stuyvesant Place, NW
Washington, D.C. 20015

Robert Myers, SMDC
Advisory Neighborhood Commissioner 3G05
3605 Morrison Street, NW
Washington, D.C. 20015

Tonye Bello, Acting Zoning Administrator
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D. C. 20002

**ATTESTED BY:** Jerrily Kress

**JERRILY R. KRESS, FAIA**
**Director**

VCE/16621