GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16647

As Director of the Office of Zoning, I certify and attest that on MAR 2 9 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, or delivered via inter-agency mail, to each party and government agency who appeared and participated in the public hearing concerning this matter, and who is listed below:

James A. Curtis Jr
P. O. Box 331
Oxon Hill, MD 20750

Andrew Altman, Director
D.C. Office of Planning
801 North Capitol Street, N.E., 4th Fl.
Washington, D.C. 20002

Kevin P. Chavous, Council Member
Ward Seven
Council of the District of Columbia
441 4th Street, N.W., 7th Floor
Washington, D.C. 20001

Mary Jackson, Chairperson
Advisory Neighborhood Commission (ANC) 7E
5001 Hanna Place, S.E.
Washington, D.C. 20019

Naomi P. Robinson, Commissioner
Single Member District (SMD) 7E07
1131 46th Place, S.E.
Washington, D.C. 20019

Michael D. Johnson, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Attested By: _____

JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attest/16647/Jkn

BZA
Case No. 16647
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
~~CASE NO.16647~~
EXHIBIT NO.28

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16647 of James A. and Sylvia E. Curtis, pursuant to 11 DCMR § 3103.2, for a variance from the use provision of subsection 300.3 to use the subject premises as a two-unit family flat located in R-2 and R-4 Districts at premise 4638, 4650 and 4654 Hillside Road, S.E. (Square 5362, Lots 65, 66 and 70).

HEARING DATE: **January 9, 2001**
DECISION DATE: **March 6, 2001 (Bench Decision)**

SUMMARY ORDER

This application is accompanied by a memorandum from the Zoning Administrator of the Department of Consumer and Regulatory Affairs certifying the required relief.

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) 7E and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 7E. ANC 7E, which is automatically a party to this application, did not submit a written statement related to this 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 § 300.3. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. 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 an undue hardship 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 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 appropriate in this case.

VOTE: 3-0 -2 (Robert N. Sockwell, Carol J. Mitten, Sheila Cross Reid to grant; Susan Morgan Hinton and Anne M. Renshaw not voting, not having heard the case).

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

Each concurring Board member has approved the issuance of this Order

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAR 2 9 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 WIL 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.

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