GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16667 of Ben and Leslie Page, pursuant to 11 DCMR § 3103.2, for a variance under subsection 404.1 from the rear yard setback requirements and subsection 403.2 from the allowable lot occupancy requirements to allow an addition to an existing single-family dwelling in an R-1-B District at premises 4631 Verplanck Place, N.W. (Square 1554, Lot 34).

HEARING DATE: **February 13, 2001**
DECISION DATE: **March 6, 2001**

Note: The Board amended the application to require additional relief pursuant to §3103.2 for a variance from subsection 2001.3.

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was 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 the Applicant, Advisory Neighborhood Commission (ANC) 3E, and to owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to this application, submitted a written statement acknowledging the application and stating that the ANC did not take a position in this matter.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR §§ 2001.3, 404.1 and 403.2. 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. The Board did not impose any conditions. However, the Board requested the Applicant to notify the neighbors of the subject property of any change to the construction schedule.

Based upon the record before the Board and having given great weight to the ANC, 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 that 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

Board of Zoning Adjustment
District of Columbia
CASE NO.16667
EXHIBIT NO.36

#36

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: 4-0-1 (Robert N. Sockwell, Anne M. Renshaw, Sheila Cross Reid and Carol J. Mitten to approve; Susan Morgan Hinton to oppose).

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

Each concurring Board member has approved the issuance of this Order.

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

FINAL DATE OF ORDER: MAY - 4 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.

Ord16667/Jkn/Poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16667

As Director of the Office of Zoning, I certify and attest that on MAY - 4 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:

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Leslie Krafft Quynn, Commissioner
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Attested by: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attest/16667/Jkn