GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16670 of Michael Barrette, pursuant to 11 DCMR § 3103.2, for variances from the requirements of subsections 403.2 (side yard setback), 405.9 (lot coverage) and 1203.3 (density) to construct a 3-story addition to an existing single-family dwelling in an R-4 District at premises 910 East Capitol Street, N.E. (Square 941, Lot 826 (A)).

HEARING DATE: **February 20, 2001**
DECISION DATE: **February 20, 2001** **(Bench Decision)**

SUMMARY ORDER

SELF-CERTIFICATION

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 the Applicant, Advisory Neighborhood Commission (ANC) 6A, 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 6A. ANC 6A, which is automatically a party to this application, submitted a written statement in support of this application.

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 variances from the strict application of the requirements of 11 DCMR §§ 403.2, 405.9, and 1203.3. 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 and having given great weight to the ANC and Office of Planning reports filed in this case, the Board concludes that the Applicant has met the burden of proof, under 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 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.**

BZA
Case No. 16670
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16670
EXHIBIT NO.31

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: 5-0-0 (John G. Parsons, Anne M. Renshaw, Sheila Cross Reid, Robert N. Sockwell, and Susan Morgan Hinton to grant).

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: APR – 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.

Ord16670/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16670

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

Michael Barrette
910 East Capitol Street, N.E.
Washington, D.C. 20003 .

Sharon Ambrose, Councilmember
Ward Six
Council of the District of Columbia
441 4th Street, N.W., 7th Floor
Washington, D.C. 20001

Ivette Basterrechea, Chairperson
Advisory Neighborhood Commission (ANC) 6A
624 H Street, N.E., Ground Floor
Washington, D.C. 20002

Marina L. Martin, Commissioner
Single Member District (SMD) 6A06
326 10th Street, N.E.
Washington, D.C. 20002

Michael D. Johnson, Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
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Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, NN, 4th Floor
Washington, D.C. 20002

Attested By: Jerrily Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

Attest/16670/Jkn