GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 16677 of Darcelle Walker, pursuant to 11 DCMR § 3104.1, for a special exception under subsection 223.1 to allow the establishment of a non-conforming rear yard in accordance with subsection 404.1 for a proposed addition to an existing single-family dwelling in an R-1-B District at premises 5617 First Street, N.E. (Square 3706, Lots 117 and 118).

NOTE: The Board amended the application to indicate that additional zoning relief is required under subsection 2001.3 (c) and 3103.2 of the Zoning Regulations.

HEARING DATE: **February 27, 2001 and April 3, 2001**
DECISION DATE: **April 3, 2001**

SUMMARY ORDER

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief (Exhibit No. 9).

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) 4B, 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 4B. ANC 4B, which is automatically a party to this application, did not participate in the hearing.

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 special exception and variance from the strict application of the requirements of 11 DCMR §§ 223.1, and 2001.3 (c). 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.

At the February 27, 2001 public hearing, the Board requested that the applicant re-post the property with the correct zoning relief. The Board continued the hearing to April 3, 2001, at a Special Public Hearing, and requested that the applicant provide the following:

- A corrected plat showing the existing footprint of the building and the proposed addition; and,
- Floor plans of the dwelling unit.

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EXHIBIT NO.34

The applicant provided the requested items to the Board (Exhibits 28 through 32).

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 3103.2 and 3104.1, 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. The Board further concludes that granting the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITION:**

Prior to issuance of the Building Permit, the applicant shall combine lots 117 and 118 into one lot of record.

Pursuant to 11 DCMR § 3101.6, the Board waived 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 (Anne Mohnkern Renshaw, Sheila Cross Reid, Carol J. Mitten, and Susan Morgan Hinton to grant. Third mayoral appointee not sitting, not voting.)

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 12 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.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.

BAB/4.11.01

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 16677

As Director of the Office of Zoning, I hereby certify and attest that on APR 12 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 public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Darcelle Walker
5617 First Street, N.E.
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Michael Johnson, Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

Barrington D. Scott, I, Chairperson
Advisory Neighborhood Commission 4B
4th District Police Headquarters
6856 Eastern Avenue, N.W., #314
Washington, DC 20012

Amanda Hatcher Lyon, Commissioner
Single Member District 4B09
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Washington, DC 20011

Councilmember Adrian Fenty
Ward Four
441 4th Street, N.W., Suite 702
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ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning