GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16690 of Elijah B. and W. Jean Rogers pursuant to 11 DCMR § 3104.1 for a special exception under subsection 223 to allow a rear addition to a single-family dwelling not complying with open court width (section 406) and lot occupancy (section 403) provisions, and for a variance pursuant to 11 DCMR § 3103.2 from the non-conforming structure provisions under subsection 2001.3 in an R-3 District at premises 4011 16th Street, N.W. (Square 2695, Lot 49).

NOTE: The Board amended the application at the public hearing to indicate that the variance under subsections 3103.2 and 2001.3 was not necessary, and corrected the premises address to read **4011** instead of 4016 16th Street, N.W.

HEARING DATE: April 24, 2001
DECISION DATE: April 24, 2001 (Bench Decision)

SUMMARY ORDER

REVIEW BY ZONING ADMINISTRATOR

This application was accompanied by a memorandum from the Zoning Administrator certifying required relief.

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 the Applicant, Advisory Neighborhood Commission (ANC) 4C, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP) for review and report.

The subject property is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, did not take a position on the application and the OP did not submit a report.

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 under 11 DCMR §§ 3104.1 and 223. No person or entity appeared at the public hearing in opposition to this 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, under 11 DCMR §§ 3104.1 and 223 that the requested relief will be in harmony

BZA
Case No. 16690
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16690
EXHIBIT NO.24

with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. It is therefore **ORDERED** that the 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 (John G. Parsons, Susan M. Hinton and Anne M. Renshaw to approve; Sheila Cross Reid, not present, not voting and the third mayoral appointee, not participating in the case, not voting).

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

Each concurring 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 16 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16690

As the Director of the Office of Zoning, I hereby certify and attest that on MAY 16 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 who appeared and participated in the public hearing concerning the matter, and who is listed below:

Robert Tolbert
7928 Allendale Drive
Palmer Park, MD 20785

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th floor
Washington, D.C. 20001

Nabil H. Elberry, Commissioner
Single Member District 4C04
916 Taylor Street, N.W.
Washington, D.C. 20011

Willie Flowers, Chairperson
Advisory Neighborhood Commission 4C
WMATA Bus Barn
P.O. Box 6087
Washington, D.C. 20039

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

Adrian Fenty, Councilmember
Ward Four
441 4TH Street, N.W., Room 702
Washington, D.C. 20001

Ellen McCarthy, Deputy Director
Development Review Division
Office of Planning (4TH floor)
801 North Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY: Jerrily R. Kress

Jerrily R. Kress, FAIA
Director, Office of Zoning

Att/VCE