GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16692 of Joseph F. and Sandra L. Reid, pursuant to 11 DCMR § 3104.1, for a special exception under subsection 223.1 to allow the construction of a wooden deck at the rear of a single-family dwelling not complying with the open court provisions (subsection 406) in an R-4 District at premises 639 A Street, N.E. (Square 868, Lot 42).

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

SUMMARY ORDER

REVIEWED BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief (Exhibit No. 21).

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, which is automatically a party to this application. The Board received a letter of support for the application from the Single Member District Commissioner for ANC 6A05 . The Board did not receive a report from the full ANC.

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 from the strict application of the requirements of 11 DCMR § 223.1 and 3104.1. 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, under 11 DCMR §§ 3104.1 and 223.1. The requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED.**

BZA
Case No. 16692
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16692
EXHIBIT NO.24

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: 3-0-2 (Susan Morgan Hinton, John G. Parsons and Anne Mohnkern Renshaw to approve; Sheila Cross Reid not present, not voting; the third mayoral appointee not hearing the case, not voting).

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

Each concurring Board member approved the issuance of this Order.

JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: MAY 17 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.

BAB/5.11.01

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16692

As Director of the Office of Zoning, I hereby certify and attest that on MAY 17 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:

Joseph F. and Sandra L. Reid
639 A Street, N.E.
Washington, DC 20002

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

Ivette Basterrechea, Chairperson
ANC 6A
624 H Street, N.E., Ground Floor
Washington, DC 20002

Commissioner Janet Quigley
Single Member District Commissioner 6A-05
644 Massachusetts Avenue, N.E., #302
Washington, D.C. 20002

Councilmember Sharon Ambrose
Ward 6
441 4th Street, N.W.
Washington, DC 20001

Ellen McCarthy, Deputy Director
Development Review
Office of Planning
801 North Capitol Street, N.E., Room 400
Washington, DC 20002

Attestation Sheet – Case No. 16692

Alan Bergstein
Office of the Corporation Counsel
441 4th Street, N.W., 7th Floor
Washington, DC 20001

JERRILY R. KRESS, FAIA
Director