GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16800 of Sheila R. Strain, pursuant to 11 DCMR § 3103.2 for a variance from the minimum lot area requirements to allow the conversion of a four (4) unit rooming house to a four (4) unit apartment house under subsection 330.5(c) in an R-4 District at premises 1913 13th Street, N.W. (Square 274, Lot 128).

HEARING DATE: November 27, 2001
DECISION DATE: November 27, 2001 (Bench Decision)

SUMMARY ORDER

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief (Exhibit No. 7).

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B, and to owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The subject property is located within the jurisdiction of ANC 1B. ANC 1B did not participate in the hearing. The Office of Planning filed a report recommending that the application be approved. (Exhibit No. 25).

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 § 3103.2. 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.

BZA
Case No.
Exhibit No.

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 3103.2 and 330.5(c), 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.**

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.

Board of Zoning Adjustment
District of Columbia
CASE NO.16800
EXHIBIT NO.28

VOTE: 4-0-1 (Anne Mohnkern Renshaw, Carol J. Mitten, David W. Levy and Geoffrey H. Griffis to approve; the third mayoral appointee not sitting on the Board, not voting.)

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

Each Board member approved the issuance of this Order.

ATTESTED BY _____
JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: NOV 29 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/11.28.01

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16800

As Director of the Office of Zoning, I hereby certify and attest that on NOV 29 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:

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JERRILY R. KRESS, FAIA
Director