GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16816 of Theodore J. Piccone, pursuant to 11 DCMR § 3104.1 for a special exception to allow an addition to a single family dwelling under section 223, not complying with the lot occupancy (section 403), rear yard (section 404) and side yard (section 405) requirements in a NOPD/R-1-B District at premises 3615 Davis Street, N.W. (Square 1935, Lot 17).

Note: The Board postponed making a decision on this application at its March 5, 2002, public meeting session to allow for the receipt of a report from the National Capital Planning Commission, and additional information from the applicant pertaining to building elevations and landscaping details. The Board received the aforementioned information in time for consideration at its April 2, 2002, public meeting on this matter.

HEARING DATE: January 15, 2002
DECISION DATE: April 2, 2002

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

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

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) 3C, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning and National Capital Planning Commission for review and report.

The site of this application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to the application submitted a letter expressing no objection to the application. The Office of Planning submitted a report in support of the application. The National Capital Planning Commission submitted a report stating that the application would not affect the federal establishment or identified federal interest, nor would it be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special

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exception from the strict application of the requirements of 11 DCMR §§ 3104.1 and 223. 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 letter filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 for a special exception under Section 223, which will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. It is therefore **ORDERED** that this 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: **5-0-0** (Geoffrey H. Griffis, Anne M. Renshaw, Curtis L. Etherly, Jr., David W. Levy, to approve, and Anthony J. Hood to approve by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

Final Date of Order: APR 19 2002

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.

rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16816

As Director of the Office of Zoning, I hereby certify and attest that on APR 19 2002 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:

Theodore J. Piccone
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Washington, D.C. 20007

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2737 Devonshire Place, N.W.
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Rosalyn P. Doggett, Commissioner 3C08
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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning