GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16825 of Albin V. and Linda H. Javarone, pursuant to 11 DCMR § 3104.1 for a special exception to construct an addition to a semi-detached flat under section 223, not meeting the side yard (section 405) requirements in an R-4 District at premises 600 G Street, S.E. (Square 877, Lot 96).

HEARING DATE: **January 29, 2002**
DECISION DATE: **January 29, 2002**

SUMMARY ORDER

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit No. 7).

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 6B, 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 6B. ANC 6B, which is automatically a party to this application, submitted a written statement to the Board in support of the application (Exhibit No. 23).

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 special exception pursuant to 11 DCMR § 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, and having given great weight to the ANC report, the Board concludes that the applicant has met the burden of proof under 11 DCMR §§ 3104.1 and 223. The Board determined that 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. 16825
Exhibit No. 27
Board of Zoning Adjustment
District of Columbia
CASE NO.16825
EXHIBIT NO.27

The Board requested that, prior to issuance of the Order, the applicants provide the correct zoning computations for the project and verification that the Historic Preservation Review Board reviewed it. The applicants provided the requested information (Exhibit No. 25).

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: 5-0-0 (Carol J. Mitten, Anne Renshaw, Curtis L. Etherly, Jr., Geoffrey H. Griffis and David W. Levy to approve).

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

Each concurring Board member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: FEB 14 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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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 (2001). 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/2.6.02

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16825

As Director of the Office of Zoning, I hereby certify and attest that on FEB 14 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Stephen duPont, Jr.
5159 Fulton Street, N.W.
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Albin V. and Linda H. Javarone
600 G Street, S.E.
Washington, DC 20003

Kenan P. Jarboe, Chairperson
Advisory Neighborhoood Commission 6B
921 Pennsylvania Avenue, S.E.
Washington, DC 20003

Julie S. Olson, Commissioner
Advisory Neighborhood Commission 6B04
320 G Street, S.E.
Washington, DC 20003

Councilmember Sharon Ambrose
Ward Six
1350 Pennsylvania Avenue, N.W., Suite 102
Washington, DC 20004

Toye Bello, Acting Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

Attestation Sheet – BZA Order No. 16825

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director