GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16831 of Jose R. Sanchez, pursuant to 11 DCMR § 3103.2 for a variance from the lot occupancy requirements under section 403, a variance from the minimum width of an open court requirements under section 406, and a variance from the rear yard depth requirements under section 404 to allow a deck addition to a single family row dwelling in an R-3 District at premises 5022 7th Street, N.W. (Square 3148, Lot 131).

HEARING DATES: February 26, 2002 and May 14, 2002
DECISION DATES: May 21, 2002 and June 4, 2002

Note: The Board amended and approved the application as a special exception under section 223 on May 21, 2002. On June 4, 2002, the Board, on its own motion and upon closer analysis reconsidered its decision to approve the application as a special exception, and instead approved the application with the above variance relief.

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) 4D, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 4D. ANC 4D did not participate in the application. The OP did not participate in the application.

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 pursuant to 11 DCMR §§ 3103.2. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 403, 404, and 406, that there exists an exceptional or extraordinary situation or condition related to the property that

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creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the 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 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 not prohibited by law.

VOTE (May 21, 2002): **5-0-0** (Geoffrey H. Griffis, Anthony J. Hood, Anne M. Renshaw, Curtis L. Etherly, Jr., and David W. Levy to approve).

VOTE (June 4, 2002): **3-0-2** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., and David A. Zaidain to approve, Anne M. Renshaw abstaining, and the Zoning Commission member not present, not voting).

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

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

FINAL DATE OF ORDER: JUN - 6 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. 16831

As Director of the Office of Zoning, I hereby certify and attest that on JUN - 6 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:

Jose Sanchez
5022 7th Street, N.W.
Washington, D.C. 20011

Tina Thompson, Commissioner
Advisory Neighborhood Commission 4D
143 Kennedy Street, N.W. Suite 1
Washington, D.C. 20011

Henry V.S. Thomas, Commissioner
Single Member District Commissioner 4D04
143 Kennedy Street, N.W. Suite 1
Washington, D.C. 20011

Adrian Fenty, City Councilmember
Ward Four
1350 Pennsylvania Avenue, N.W.
Suite 506
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation
Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

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

ATTESTED BY: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director