EXHIBIT A

15476

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15476 of David and Barbara Scheuer, pursuant to 11 DCMR 3107.2, for a variance from the lot occupancy requirements (Sub-section 403.2), a variance from the minimum lot width requirements (Sub-section 401.3), and a variance from the allowable floor area ratio requirements (Sub-section 1203.3) for the construction of a two-family dwelling in a CAP/R-4 District at premises 315 East Capital Street, S.E., (Square 787, Lot 816).

HEARING DATE: March 20, 1991
DECISION DATE: March 20, 1991 (Bench Decision)

RECEIVED
OFFICE OF ZONING
JAN 24 AM 9:45

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and ANC 6A, and to owners of property within 200 feet of the site.

The site of the application is located in ANC 6B, and in proximity to ANC 6A. ANC 6B, which is automatically a party to the application, did not file a written statement of issues and concerns. Nor did ANC 6A submit a written statement of issues and concerns, or request to be treated as an affected ANC.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 403.2, 401.3 and 1203.3. No person or entity appeared at the public hearing in opposition to the 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, pursuant to 11 DCMR 3107, 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 Maps. It is therefore ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction will be conducted pursuant to plans marked as Exhibit No. 25 of the record, as amended by Alternate C, Exhibit No. 26 of the record. Alternate C changes the gable at the rear of the structure by locating it farther away from the adjoining property. Alternate C also lowers the garden walls at the rear of the site.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive

BZA
Case No. 16854
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.9

the requirement of 11 DCMR 3331.1 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: 4-0 (Paula L. Jewell, Sheri M. Pruitt, Charles R. Norris and Carrie L. Thornhill to grant).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAR 29 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, 'NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15476Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15476

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAR 29 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Jacques B. DePuy, Esquire
Stohlman, Beuchert, Egan & Smith
1775 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

David and Barbara Scheuer
317 East Capitol Street, S.E.
Washington, D.C. 20003

Amy Weinstein
2311 Connecticut Avenue, N.W.
Washington, D.C. 20008

Karen Walker, Chairperson
Advisory Neighborhood Commission 6-B
921 Pennsylvania Avenue, S.E., #108
Washington, D.C. 20003

Edward L. Curry
Executive Director

DATE: MAR 29 1991

Attes.7/BHS