Decision for next door neighbor

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15872 of Frederick William and Lynn Emerson Brownell, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now exceeds the allowable lot occupancy requirement, does not meet the minimum rear yard requirement and will create a new nonconformity of structure, [Paragraph 2001.3(a), (b) and (c)], a variance from the lot occupancy requirements (Subsection 403.2), a variance from the rear yard requirements (Subsection 404.1) and a variance from the side yard requirements (Subsection 405.9) for a one-story addition to a nonconforming detached single-family dwelling in an R-1-B District at premises 5818 Sherrier Place, N.W. (Square 1454, Lot 63).

HEARING DATE: December 15, 1993
DECISION DATE: December 15, 1993 (Bench Decision)

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR 28 PM 3:50

SUMMARY ORDER

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) 3D and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3D. ANC 3D, which is automatically a party to this application, filed a written statement of issues and concerns in support of the application.

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 2001.3(a), (b) and (c); 404.1; and 405.9. 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, 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 Map. It is therefore ORDERED that this application is GRANTED.

BZA
Case No. 15872
Exhibit No. 2
Board of Zoning Adjustment
District of Columbia
CASE NO.15884
EXHIBIT NO.8

Pursuant to 11 DCMR 3301.1, the Board has determined to waive 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 appropriate in this case.

VOTE: 3-0 **(Maybelle Taylor Bennett, George Evans and Angel F. Clarens to grant; Craig Ellis and Laura Marie Richards not present, not voting).**

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

ATTESTED BY: Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: DEC 30 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS 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 SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

15872Order/SS/bhs

16884

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15872

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 30 1998 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Frederick W. Brownell
5818 Sherrier Place, N.W.
Washington, D.C. 20016

Eleanor Lewis, Chairperson
Advisory Neighborhood Commission 3D
P.O. Box 40846
Washington, D.C. 20016

MADELIENE H. ROBINSON
Director

DATE: DEC 30 1998

15872Att/bhs

16884

August 3, 1993

MEMORANDUM

TO : Board of Zoning Adjustment

FROM : Edgar T. Nunley, Chief
Zoning Review Branch

SUBJECT : Proposed One-story Addition to an Existing Non-conforming Structure located at 5818 Sherrier Place, N.W., Lot 63 in Square 1454, Zoned R-1-B

Review of plans for the proposed one-story addition to an existing non-conforming structure at the above subject premises indicates that Board of Zoning Adjustment approval is required as follows:

1. Variance from the provisions of Section 2001.3(a, b and c), to do an addition to an existing structure that does not conform to the percentage of lot occupancy requirements in an R-1-B Zone and that creates a new non-conformity of structure and addition. (Section 3107.2)

2. Variance from the side yard setback requirements (Section 405.9) in an R-1-B Zone. (Section 3107.2)

3. Variance from the rear yard setback requirements (Section 404.1) in an R-1-B Zone. (Section 3107.2)

16884

ZA-93-105

NOTES AND COMPUTATIONS

ADDRESS: 5818 Sherrier Place, N.W. **LOT(S):** 63 **SQUARE:** 1454

ZONED: R-1-B

	REQUIRED:	ALLOWED:	PROVIDED:	VARIANCE:
LOT AREA	5,000 Sq.Ft.		245.6 Sq. Ft.	2,541.4 Sq. Ft. (51%) Existing
LOT WIDTH	50'		76'	
LOT OCCUPANCY (40 %)		983.44 Sq. Ft.	1,512.32 Sq. Ft. (61%)	528.88 Sq. Ft. (20%)
FLOOR AREA RATIO (		N/P	N/A	
PARKING SPACES	1		1 Existing	
LOADING BERTHS	N/A		N/A	
FRONT YARD	N/P		N/A	
REAR YARD	25'		1'	24' (96%)
SIDE YARD	8' and 8'		8' and 6.4	1.6 (2%)
COURT, OPEN	N/A			
COURT, CLOSED	N/A			
28891				