Application No. 17032 of Embassy Trust, pursuant to 11 DCMR Sec. 3104.1, for a special exception to allow construction of a deck, elevator penthouse and one story rear addition to a single family dwelling under section 223, not meeting the lot occupancy requirements under section 403, and a special exception from the roof structure setback provisions under subsections 400.7 and 411.11, in the R-3 District at premises 2124 Leroy Place, N.W. (Square 2531, Lot 22).

HEARING DATE: July 8, 2003
DECISION DATE: _____

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ("ANC") 2D, and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2D, which is automatically a party to this application. ANC 2B by letter dated July 7, 2003 submitted a written report in support of the application. The Office of Planning ("OP") submitted a written report in support of the application.

As directed by 11 DCMR 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Sec. 3104.1, for a special exception under Sec. 223. No person or entity appeared at the hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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 and recommendations of OP, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and 223 et seq., 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 Zoning Regulations and Map.

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. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE:

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

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

FINAL DATE OF ORDER: _____

BZA
Case No. 17032
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO. 17032
EXHIBIT NO. 30