

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 13, 1972

Application No. 10601 Ernest Sturc, et ux, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

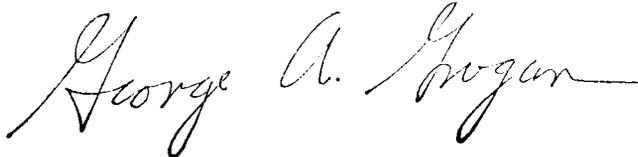
On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of November 1, 1972.

ORDERED:

That the application for variance from the provisions of Section 7205 to permit open parking spaces in front of and within ten (10) feet of dwelling at 3406 Q Street, N. W., lot 219, Square 1274 be WITHDRAWN without prejudice.

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

ATTESTED:



By: \_\_\_\_\_

GEORGE A. GROGAN  
Secretary of the Board

November 8, 1972

AMENDED ORDER

Before the Board of Zoning Adjustment, D.C.

Application No. 10601 - Ernest Sturc, et ux, Applicants.

On motion duly made, seconded and carried by a vote of 3-0 (Mr. Harps not present and Lilla Burt Cummings not having heard the case) the following Order of the Board was entered at the meeting of June 20, 1973, amending the Order of June 12, 1973.

ORDERED:

Upon consideration of the decision and order in Wilson v. District of Columbia Board of Zoning Adjustment (App. No. 6005, decided April 16, 1972), D.C. App., 289 A. 2d 380 (1972), wherein directions "\*\*\*to vacate its orders effective January 25, 1971 and June 1, 1971 by which the Board granted a variance and subsequently a modification of a condition of the variance" and grant a new hearing on applicant's appeal for a variance;" and upon consideration of the Order of the Court entered on March 27, 1973, in Wilson v. District of Columbia Board of Zoning Adjustment, No. 6956, now before the Court, remanding the cause to the Board with directions to "\*\*\*vacate its earlier Order granting the variance and amending conditions, and for further proceedings, if any not inconsistent with the decision and Order of this Court in Wilson v. District of Columbia Board of Zoning Adjustment, D.C., App., 289 A. 2d 380 (1972)," it is ORDERED:

1. The Orders of the Board effective January 25, 1971 and June 1, 1971 be and hereby are vacated.
2. The Order of the Board issued on November 8, 1972, permitting the applicant to withdraw his appeal for a variance be and hereby is vacated.
3. The letter from counsel for applicant to the Board dated August 29, 1972, advising the Board that the applicant was withdrawing his application for variance be and hereby is considered to be a motion for leave to withdraw the appeal for a variance pursuant to the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment 22, D.C.R.R. 3.24.

4. The applicant's motion for leave to withdraw his application for variance be and hereby is granted with prejudice; i.e., the applicant shall not institute a new application for such variance within one year from the effective date of this Order, as similarly provided in the case of a denial of an application for a variance under Rule 5.6 of the Board's Rules of Practice and Procedure.

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

ATTESTED:

By:   
ARTHUR B. HATTON  
Acting Secretary to the Board

June 28, 1973

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - December 9, 1970

Appeal No. 10601 Ernest Sturc, et ux, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of December 15, 1970.

EFFECTIVE DATE OF ORDER - January 25, 1971

ORDERED:

That the appeal for variance from the provisions of Section 7205 to permit open parking spaces in front of and within 10 feet of dwelling at 3406 Q Street, N.W., lot 219, Square 1274 be granted conditionally.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
  2. The property is improved with a two (2) story with basement brick single family dwelling.
  3. The appellant proposes to construct an open parking space in front of and within ten (10) feet of the single family dwelling.
  4. The appellant alleged that there is no access to the rear of the property for parking. The appellant further alleged that parking was a problem in the area.
  5. Opposition was registered at the public hearing by the Georgetown Citizens Association alleging that the parking space did not conform to the esthetics of the neighborhood. A neighbor was also opposed to the swimming pool pump being so close to her property because of noise and vibrations.
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OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold 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.

CONDITIONS:

1. The appellant shall move the swimming pool pump to a location closest to the appellant's house than to the house on lot 804.

2. The appellant shall brick top the parking area, side walk and the apron to conform to the esthetics of the neighborhood.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

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

ATTESTED:

By: \_\_\_\_\_



PATRICK D. KELLY  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

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Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - March 17, 1971

10661

Appeal No. Ernest Sturc, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, with Messrs. Arthur B. Hatton and William S. Harps dissenting, the following Order of the Board was entered at the meeting of March 23, 1971.

ORDERED:

That the appeal for rehearing and/or reconsideration, requested by the appellant, for variance from the provisions of Section 7205 to permit open parking spaces in front of and within ten (10) feet of dwelling at 3406 Q Street, NW., Lot 219, Square 1274, be denied.

The Board in executive session March 23, 1971, denied appellant's request for reconsideration and/or rehearing the Board's previous Order to use COSMICOLOR in lieu of brick. (See Exhibit No. 22)

OPINION:

We are of the opinion that the appellant's request must be denied. The appellant has failed to show as required by Section 8204 of the Zoning Regulations that new evidence would be presented which could not have been reasonably presented at the original hearing nor that new evidence would be submitted at a rehearing.

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

ATTESTED:

By: \_\_\_\_\_



PATRICK E. KELLY  
Secretary of the Board

4/13/71

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - April 14, 1971

Appeal No. 10601 Ernest Sturc, et ux, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following AMENDMENT in the Order of the Board was entered at the meeting of April 20, 1971.

EFFECTIVE DATE OF AMENDMENT - June 1, 1971

ORDERED:

That the appeal for variance from the provisions of Section 7205 to permit open parking space in front of and within ten (10) feet of dwelling at 3406 Q Street, NW., Lot 219, Square 1274, having been granted, the Order effective January 25, 1971, is amended as follows:

CONDITION NO. 2 should read:

The appellant shall use scored Cosmicolor in lieu of the brick top. (See BZA Exhibit No. 22).

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

ATTESTED:

By: \_\_\_\_\_  
PATRICK E. KELLY  
Secretary of the Board

THAT THE AMENDMENT IN THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 24, 1962

Appeal No. 10601 Mary Faith Wilson, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried by a vote of 5-0, the following Order of the Board was entered at the meeting of November 1, 1972.

ORDERED:

Upon consideration of the decision and Order in Wilson v. District of Columbia Board of Zoning Adjustment (App. No. 6005, decided April 16, 1972), D.C. App., 289 A. 2d 380 (1972), wherein the Court reversed and remanded the cause to the Board with directions "\*\*\*\*to vacate (its) Orders effective January 25, 1971 and June 1, 1971 (by which the Board granted a variance and subsequently a modification of a condition of the variance) and grant a new hearing on applicant's appeal for a variance;" and upon consideration of the Order of the Court entered on March 27, 1973, in Wilson v. District of Columbia Board of Zoning Adjustment, No. 6956, now before the Court, remanding the cause to the Board with directions to "\*\*\*\*vacate its earlier Order granting the variance and amending conditions, and for further proceedings, if any not inconsistent with the decision and Order of this Court in Wilson v. District of Columbia Board of Zoning Adjustment, D.C., App., 289 A. 2d 380 (1972), "it is hereby

ORDERED:

1. The Orders of the Board effective January 25, 1971, and June 1, 1971, are hereby vacated.
2. The Order of the Board issued on November 8, 1972, permitting the applicant to withdraw his appeal for a variance is hereby vacated.

3. The letters from counsel for applicant to the Board dated August 29, 1972, advising the Board that the applicant was withdrawing his appeal for variance are hereby considered to be a motion for leave to withdraw the appeal for a variance pursuant to the supplemental Rules of Practice and Procedures before the Board of Zoning Adjustment 22, D.C.R.R. 3.24.
4. The applicant's motion for leave to withdraw his appeal for variance is hereby granted with prejudice; i.e., the applicant shall not institute a new appeal for such variance within one year from the effective date of this Order, as similarly provided in the case of a denial of such an appeal for a variance under Section 8204.3 of the Board's Regulations.

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

ATTESTED:

By: \_\_\_\_\_



ARTHUR B. HATTON  
Acting Secretary

June 12, 1973

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - June 16, 1971

Appeal No. 10601 Ernest Sturc, et ux, appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried with Samuel Scrivener, Jr. absent, the following Order of the Board was entered at the meeting of June 22, 1971.

ORDERED:

That the appeal for request for reconsideration and/or rehearing for variance from the provisions of Section 7205 to permit open parking space in front of and within ten (10) feet of dwelling at 3406 Q Street, NW., Lot 219, Square 1274, be denied.

OPINION:

The request by the Citizens Association of Georgetown and Miss Mary Faith Wilson for a rehearing of the subject appeal is denied in that there was not, as required by Section 8204 of the Zoning Regulations, any showing that new evidence would be produced at a rehearing that could not reasonably have been presented at the original hearing. There was also no showing that there would be new evidence that was not presented or considered at the original public hearing.

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

ATTESTED:

By: \_\_\_\_\_

GEORGE A. GROGAN  
Secretary of the Board

8/2/71