

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13512, of James H. Demetroulis and Brian M. Robidoux, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and from the prohibition against allowing an addition to a non-conforming structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) to construct a second story rear deck to a non-conforming dwelling in an R-4 District at the premises 514 7th Street, N.E., (Square 861, Lot 102).

HEARING DATE: July 15, 1981
DECISION DATE: September 2, 1981

DISPOSITION: The Board DENIED the application by a vote of 5-0 (Lindsley Williams, Charles R. Norris, William F. McIntosh, Douglas J. Patton and Connie Fortune to DENY)

FINAL DATE OF ORDER: November 17, 1981

ORDER

The applicants, on December 2, 1981, filed a Motion for Reconsideration of the Denial of the application. The Motion alleged that the Board made errors in its Findings of Facts Nos. 7, 8 and 11. The Board notes that the applicants were not present at the public hearing but were represented by their authorized agent, Mr. B.W. Spriggs. Upon a review of the transcript of the public hearing of July 15, 1981, the Board finds that the evidence submitted in support of the Motion for Reconsideration contradicts the evidence and testimony that was given at the public hearing by Mr. Spriggs. As to Finding No. 7, Mr. Spriggs testified at the public hearing that the applicants had not reviewed their proposed plans with the abutting property owners. As to Finding No. 8, Mr. Spriggs testified at the public hearing that the abutting property owners had no new additions to their properties and that he did not know whether there were such additions to other dwellings on the same street. As to Finding No. 11, the Motion for Reconsideration is argumentative. No new evidence has been submitted to contradict the Board's finding that the proposed deck would interfere with the light and air to the adjacent properties. The Board finds that as to Findings Nos. 7 and 8 the applicants attempt to introduce evidence that should have been available at the public hearing and which would have been subject to cross-examination.

The Board concludes that the decision of September 2, 1981 was based on the record. Upon consideration of the transcript, the Final Order and the subject Motion for Reconsideration, the Board concludes that it made no errors of fact or law.

Accordingly, it is ORDERED that the Motion for Reconsideration is DENIED.

VOTE: 4-0 (Charles R. Norris, Lindsley Williams, Charles R. Norris and Connie Fortune to deny; Douglas J. Patton not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAR - 1 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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."