

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13534, of Carl R. and Jean J. Sharek, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) for a proposed garage and an addition to a dwelling in an R-5-B District at the premises 1132 - 25th Street, N.W., (Square 14, Lot 56).

HEARING DATE: July 29, 1981
DECISION DATE: July 29, 1981 (Bench Decision)

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

FINAL DATE OF ORDER: September 18, 1981

ORDER

By letter dated January 15, 1982, the applicant requested approval from the Board to modify plans previously approved by the Board in its Final Order dated September 18, 1981.

The Board notes that as set forth in the previous findings of fact, the applicants relied upon the extremely small size of the kitchen in the building as the basis for an exceptional condition of the property. That condition was to be remedied by the expansion of the kitchen through the proposed addition. Upon review of the modified plans the applicants now seek to have approved the Board finds that the kitchen has been relocated to an area entirely within the existing building. The size of the proposed kitchen is also well below that originally approved by the Board. The Board finds that if the proposed modifications to the plans are approved, the material facts that the Board relied upon would no longer be relevant to this application. The Board therefore concludes that the requested modification of plans cannot be approved, and the previously approved plans should remain in effect.

The Board notes that the applicants have three alternative remedies. They can proceed with construction as previously approved by the Board. They can redesign the interior of the existing building and proceed with renovation of the building as a flat as a matter-of-right. They can file a new application with the Board for the construction as proposed in the modified plans and attempt to provide at a new public hearing the basis for the granting of a variance.

Accordingly, it is therefore hereby ORDERED that the request for modification of plans previously approved is DENIED.

VOTE: 3-1 (Connie Fortune, William F. McIntosh and Douglas J. Patton to DENY request to modify plans; Charles R. Norris OPPOSED to the motion; John G. Parsons not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: APR 12 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."