

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14764 of Richard and Holly Bodman, pursuant to 11 DCMR 3107.2, for a variance from the side yard requirements (Sub-section 405.9) to construct an addition to a nonconforming structure, a one-family detached dwelling, in an R-1-B District at premises 3211 R Street, N.W., (Square 2154, Lot 51).

HEARING DATE: March 16, 1988
DECISION DATES: March 16, 1988 and June 8, 1988

SUMMARY ORDER

The public hearing notice which was published in the D.C. Register and mailed to affected property owners identified "a variance from the side yard requirements (Sub-section 405.9) to construct an addition to a nonconforming dwelling...." By memorandum dated March 2, 1988, the Zoning Administrator identified additional relief from the open court width requirements (11 DCMR 406.1), and from 11 DCMR 2001.3(c).

At the public hearing, the Board determined that posted and actual notice of the need for the additional variances was adequate, and allowed amendment of the application to include the additional relief.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2E. ANC 2E, which is automatically a party to the application, filed a written statement of issues and concerns, in which the ANC recommended that the application be approved, on the basis that it satisfied the criteria for variance relief.

As directed by 11 DCMR 3324, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR 405.9, 406.1, and 2001.3(c). No person or entity appeared at the hearing or otherwise requested to participate as a party in opposition to the application. 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

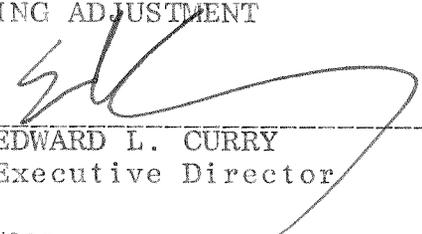
integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

At the special public meeting on June 8, 1988, the Board determined to waive the issuance of findings of fact and conclusions of law.

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell, and Carrie L. Thornhill to grant; Charles R. Norris, not present, not voting).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

JUN 9 1988

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 AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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