

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14772

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated JUN 17 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Norman M. Glasgow, Jr.
Wilkes, Artis, Hedrick & Lane
1666 K St., NW Suite 600
Washington, D.C. 20006

Joseph B. Paul
5220 Wisconsin Ave. N.W.
Washington, D.C. 20016

F. Lucille Cady
ANC 3E
PO Box 9953
Friendship Station
Washington, D.C. 20016



EDWARD L. CURRY
Executive Director

DATE: JUN 17 1988

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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Application No. 14772 of Joseph P. Paul, pursuant to 11 DCMR 3107.2, for a variance from the allowable lot occupancy (Sub-section 403.2), a variance from the prohibition against the enlargement of a nonconforming structure provides that the structure conforms to use, lot occupancy requirements, and does not further extend any existing nonconforming aspect of the structure (Sub-section 2001.3), and a variance from the prohibition against a building devoted to a nonconforming use to be enlarged, except if the extension is devoted to a conforming use (Sub-section 2002.5) in the R-5-B District at premises 5220 Wisconsin Avenue, N.W. (Square 1657, Lots 804, 805 and 806).

HEARING DATE: March 23, 1988
DECISION DATE: March 23, 1988

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application by publication in the D.C. Register, by mail to ANC 3E, and by mail to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 3E. ANC 3E, which is automatically a party to the application, filed a written statement in support of the application, on the condition that the variance be granted only to Paul Brothers Oldsmobile.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 403.2, 2001.3 and 2002.5. No person or entity appeared at the hearing in opposition to the application or otherwise requested to participate as a party in opposition in this proceeding. 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 3107.2. It is therefore ORDERED that the application is GRANTED.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Paula L. Jewell, Charles R. Norris, William F. McIntosh, and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 17 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.

summary / FORMAT