

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15088 of Elmer K. Powell, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1) for the proposed construction of a dwelling in an R-1-B District at premises 5924 Chillum Place, N.E., (Square 3715, Lot 804).

HEARING DATE: September 13, 1989

DECISION DATE: September 13, 1989 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 4B. ANC 4B, which is automatically a party to the application, did not file a written statement of issues and concerns.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 4B and to owners of property within 200 feet of the site.

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 404.1. No person or entity appeared at the hearing or otherwise requested to participate as a party 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, 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.

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.