

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15240 of Iark F. Keller, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 300.2) to allow a flat in an P-2 District at premises 4434 Gault Place, N.E., (Square 5129, Lot 65).

HEARING DATE: February 28, 1990  
DECISION DATE: February 28, 1990 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 7D. ANC 7D, 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 the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 7D 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 300.2. 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.

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APPLICATION No. 15240

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated \_\_\_\_\_, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Lark F. Keller  
1512 Crestline Road  
Silver Spring, Md 20904

Fred A. Smith Company  
1730 K Street, N.W.  
Suite 713  
Washington, D.C. 20006

James F. Onley, Chairperson  
Advisory Neighborhood Commission 7-D  
Smothers School  
44th & Brooks Streets, N.E., Room 305  
Washington, D. C. 20019

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE:           MAR 20 1990