

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15404 of James A. and Llewellyn W. Bensfield, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now exceeds the allowable lot occupancy and does not meet the minimum side and rear yard requirements [Paragraph 2001.3(a)(b) and (c)], and a variance from the lot occupancy requirements (Sub-section 403.2) for an addition to an existing nonconforming detached single-family dwelling in an R-1-B District at premises 3745 Huntington Street, N.W., (Square 1876, Lot 36).

HEARING DATE: December 12, 1990
DECISION DATE: December 12, 1990 (Bench Decision)

SUMMARY ORDER

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

The site of the application is located in Advisory Neighborhood Commission (ANC) 3G and in proximity to ANC 3E. ANC 3G, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

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 2001.2(a), (b) and (c) and 403.2. 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.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to grant; Lloyd D. Smith 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: DEC 26 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

15404order/LJP68

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15404

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated DEC 26 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

McCarthy Lewis, Architect
Attn: Jim Martin
1503 Connecticut Avenue, N.W.
Wash, D.C. 20036

Mr. & Mrs. James Bensfield
3745 Huntington Street, N.W.
Wash, D.C. 20015

Allen Beach, Chairperson
Advisory Neighborhood Commission 3-G
P.O. Box 6252, Northwest Station
Washington, D. C. 20015

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

EDWARD L. CURRY
Executive Director

DATE: DEC 26 1990

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15405 of Kenneth M. and Terese H. Brown, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1) for an addition to detached single-family dwelling in an R-1-A District at premises 2801 Ellicott Street, N.W., (Square 2272, Lot 28).

HEARING DATE: December 12, 1990
DECISION DATE: December 12, 1990 (Bench Decision)

ORDER

The application appeared on the preliminary calendar of the public hearing of December 12, 1990 due to the applicant's failure to comply with Section 3317 of the Board's Rules. The applicant failed to submit a sworn affidavit demonstrating that the property had been posted with notice of the public hearing as required by the Board's Rules.

At the public hearing of December 12, 1990, the application was called as a preliminary matter. There was no response from either of the applicants or a representative of the applicants. Staff contacted the applicant by telephone during the public hearing. Staff was informed by the applicant that no one would be able to appear at the hearing to prosecute the case, that the applicants were considering alternative plans regarding the property and that the applicants would not object to dismissal by the Board. No one claiming an interest in the application appeared at the hearing.

Upon consideration of the above facts, it is hereby ORDERED that the application is DISMISSED for failure of prosecution.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to dismiss; Lloyd D. Smith not present, not voting).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director