

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15459 of Adelina and Robert Callahan, pursuant to 11 DCMR 3107.2, for a variance from the floor area ratio limitation for other permitted uses (Sub-section 771.2) for alterations and an addition to a restaurant in a C-2-A District at premises 1639 R Street, N.W., (Square 178, Lot 95).

HEARING DATE: April 24, 1991  
DECISION DATE: April 24, 1991 (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 ANCs 2B, 1B and 1C, and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 2B, and in proximity to ANCs 1B and 1C. ANC 2B, which is automatically a party to the application, filed a timely statement of issues and concerns in support of the application, although statements made at the public hearing were to the contrary. ANCs 1B and 1C did not submit written statements of issues and concerns or request to be treated as affected ANCs.

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 771.2. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in to 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.

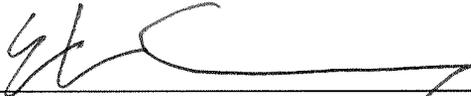
Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

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VOTE: 5-0 (Paula L. Jewell, Sheri M. Pruitt, Charles R. Norris, Maybelle Taylor Bennett 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: \_\_\_\_\_

MAY 13 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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 SUPPLEMENMTAL 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.

ord15459/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15459

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated MAY 13 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Adelina Callahan  
7023 31st Street, N.W.  
Wash, D.C. 20015

Ward Bucher Architect  
1744 Corcoran Street, N.W.  
Wash, D.C. 20009

Manuel F. Pena  
1710 R Street, N.W.  
Wash, D.C. 20009

Alaire Bretz Rieffel, Chairperson  
ANC 2B  
1526 Connecticut Avenue, N.W.  
Wash, D.C. 20036

  
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EDWARD L. CURRY  
Executive Director

DATE: MAY 13 1991