

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15516 of Brenda Gordon Ebersole, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now exceeds the percentage of lot occupancy requirements [Paragraph 2001.3(a) and (c)], a variance from the lot occupancy requirements (Sub-section 403.2), and a variance from the rear yard requirements (Sub-section 404.1) for a two-tier deck addition to an existing nonconforming two-family row structure in an R-4 District at premises 1306 Riggs Street, N.W., (Square 239, Lot 96).

HEARING DATE: June 12, 1991
DECISION DATE: June 12, 1991 (Bench Decision)

Disposition: The Board **GRANTED** the application by a vote of 3-0 (Charles R. Norris, Sheri M. Pruitt and Carrie L. Thornhill to grant; Paula L. Jewell abstaining; Tersh Boasberg not present, not voting).

FINAL DATE OF ORDER: June 21, 1991

ORDER

The Board granted the application by its order dated June 21, 1991 subject to the condition that the height of the fence and the proximity of the deck to the western property line may be modified to address the concerns of the adjacent property owner. By letter dated September 23, 1991, the applicant requested the Board to consider a modification of the condition of its June 21, 1991 order. The basis for the request to modify the order is generally summarized as follows:

- a. A June 6, 1984 District of Columbia survey indicated that the proposed sundeck did not encroach upon the neighboring property.
- b. The property has been inspected by the Surveyor's office.
- c. The neighboring property owner was provided with a copy of the plat from the Surveyor's office.

There was no opposition to the motion for modification.

Upon consideration of the motion, the evidence of record and the Board's final order, the Board concludes that the requested modification is minor in nature. The Board notes that the condition of its June 21, 1991 order was intended to afford the applicant a certain degree of flexibility in the design and configuration of the approved sundeck adjacent to the western

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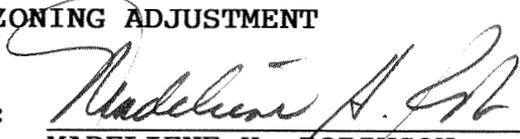
property line, if desired, without requiring further Board review. The order was not conditioned to require the applicant to modify plans to satisfy the adjacent property owner nor to require the applicant to obtain a survey of the adjacent property. The elimination of the condition imposed in the June 21, 1991 order will not affect the relief originally granted by the Board and does not change the material facts relied upon by the Board in approving the application. It is therefore **ORDERED** that the motion is **GRANTED** and that the condition contained in the Board's order dated June 21, 1991 is hereby eliminated. In all other respects, the order of the Board dated June 21, 1991 shall remain in full force and effect.

DECISION DATE: October 2, 1991

VOTE: 4-0 (Charles R. Norris, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER:

NOV 25 1991

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.

ord15516/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15516

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated 8/25/91 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Brenda Gordon Ebersole
1306 Riggs Street, N.W.
Wash, D.C. 20009

Clifford W. Waddy, Chairperson
Advisory Neighborhood Commission 2-C
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Washington, D.C. 20009

Glodine McCurdy
1308 Riggs Street, N.W.
Wash, D.C. 20009


MADELIENE H. ROBINSON
Acting Director

DATE: 8/25