

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15604 of Alan Palmer and Shelley Buck, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to a nonconforming structure that now exceeds the allowable percentage of lot occupancy requirements and does not meet the minimum rear yard requirements [Paragraphs 2001.3(a)(b) and (c)], a variance from the lot occupancy requirement (Sub-section 403.2), a variance from the rear yard requirement (Sub-section 404.1), a variance from the minimum width and area of closed court requirement, and the minimum width of an open court requirement (Sub-section 406.1), for a deck addition to a nonconforming structure in a D/R-3 District at premises 2108 Bancroft Place, N.W., (Square 2532, Lot 52).

HEARING DATE: January 15, 1992
DECISION DATES: February 5, March 4 and April 8, 1992

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 Advisory Neighborhood Commission (ANC) 1D and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1D. ANC 1D, 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 2001.3(a)(b) and (c), 403.2, 404.1 and 406.1. No person or entity appeared at the public hearing in opposition to the application 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 Map. 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.

VOTE: 5-0 (Angel F. Clarens, Sheri M. Pruitt and Paula L. Jewell to grant; John G. Parsons and Carrie L. Thornhill to grant by proxy).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: APR 27 1992

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15604

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 27 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mr. Breck Arrington, Chairperson
Advisory Neighborhood Commission 1-D
1900 Connecticut Avenue, N.W.
Washington, D.C. 20009

Phillip R. Eagleburger, AIA
Treacy & Eagleburger Architects
1725 17th Street, N.W.
Washington, D.C. 20009

Alan Palmer & Shelley Buck
2108 Bancroft Place, N.W.
Washington, D.C. 20008


MADELIENE H. ROBINSON
Acting Director

DATE: APR 27 1992