

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15649 of Arch Housing Corporation, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot width and area requirements (Sub-section 401.3) and a variance from the rear yard requirement (Sub-section 404.1) for a subdivision and construction of four detached single-family dwellings in an R-1-B District at premises 3008 Stanton Road, S.E. (Proposed addresses 2390, 2392, 2394 and 2396 Elvans Road, S.E.) [Square 5877, Lots 849 and 850 (Proposed Lots 81, 82 and 83)].

HEARING DATE: July 8, 1992
DECISION DATE: July 8, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8A and 8B, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8A, and in proximity to ANC 8B. ANC 8A, which is automatically a party to the application, did not take a position on the application. ANC 8B did not submit a written statement of issues and concerns, or request to be treated as an affected party.

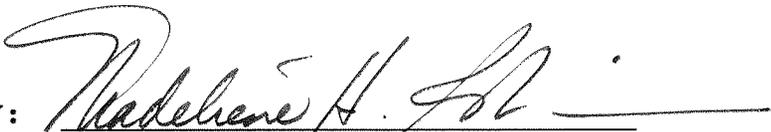
As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 401.3 and 404.1. No person or entity appeared at the public hearing in 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: 3-0 (Paula L. Jewell, Carrie L. Thornhill and Tersh Boasberg to grant; Angel F. Clarens and Sheri M. Pruitt not present, not voting).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: JUL 24 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 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.

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BZA APPLICATION NO. 15649

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 24 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:

Steve Lukaczer
Arch Housing Corporation
2309 Martin Luther King, Jr., Avenue, S.E.
Washington, D.C. 20020

Alfonso L. Freeman, Chairperson
Advisory Neighborhood Commission 8A
2672-A Martin Luther King, Jr., Avenue, S.E.
Washington, D.C. 20020

A handwritten signature in cursive script, reading "Madeliene H. Robinson", is written over a horizontal line.

MADELIENE H. ROBINSON
Acting Director

DATE: JUL 24 1992

15649Att/bhs