

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15704 of Richard H. Chused and Elizabeth Langer, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure [Paragraph 2001.3(b) and (c)], a variance from the side yard requirements (Sub-section 405.9), and a variance from the rear yard requirements (Sub-section 404.1) for an addition to a nonconforming single-family structure in an R-1-B District at premises 3712 Ingomar Street, N.W. (Square 1876, Lot 45).

HEARING DATE: September 23, 1992
DECISION DATE: September 23, 1992 (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 Advisory Neighborhood Commissions (ANCs) 3G and 3F and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to the application, did not file a written statement of issues and concerns.

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 (b) and (c); 405.9; 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.

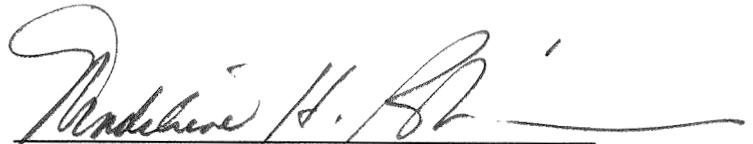
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of 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 appropriate in this case.

VOTE: 4-0 (Paula L. Jewell, Maybelle Taylor Bennett, Angel F. Clarens and Carrie L. Thornhill to grant; 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: _____

OCT 21 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. 15704

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 21 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:

Richard Chused
3712 Ingomar Street, N.W.
Washington, D.C. 20015

Robert Diamond, Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252
Washington, D.C. 20015

A handwritten signature in black ink, appearing to read "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON
Acting Director

DATE: OCT 21 1992

15704Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



December 29, 1992

Cynthia A. Giordano, Esquire
Linowes and Blocher
800 K Street, N.W., Suite 840
Washington, D.C. 20001

Re: BZA Application No. 15705

Dear Ms. Giordano:

Your letter dated December 11, 1992, requesting the withdrawal of the above-numbered case is acknowledged. Application No. 15705 is hereby WITHDRAWN. No further action will be taken on the application.

If you have any questions, please call the Office of Zoning at (202) 727-6311.

Sincerely,

A handwritten signature in black ink, appearing to read "Madeliene H. Robinson", with a long horizontal line extending to the right.

MADELIENE H. ROBINSON
Acting Director

cc: ANC 4C
Carol Middleton

cagiorltr/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



ORDER DISMISSING APPLICATION

Application No. 15706 of John F. Belfiore, pursuant to 11 DCMR 3108.1, for a special exception under Section 726.1 and 2302.1 to establish a storage garage and automobile repair garage - no body and fender work in a C-2-A District at premises rear- 1437 Newton Street, N.W. (Square 2678, Lot 832).

DECISION DATE: JUNE 4, 1997

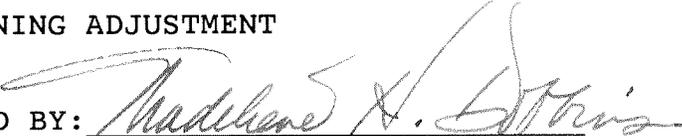
Application No. 15706 of John F. Belfiore, was filed with the Board of Zoning Adjustment on May 1, 1992. The Application was heard and granted by the Board on September 23, 1992. The order was never issued because the check for the filing fees did not clear the applicant's bank. The applicant was notified of the situation regarding his check on November 2, 1992. The applicant has not, as of the date of this order, paid the fee necessary to provide for the issuance of the final order. No further action was taken by the applicant to remit the proper fee amount. The only reasonable result of the applicant's election not to remit the requisite fee pursuant to the Board's Rules is dismissal of the application. Susan Morgan Hinton and Sheila Cross Reid read the record in order to participate in the decision.

The applicant has left the Board no reasonable alternative other than to vacate the decision and dismiss this application for failure to pay the proper filing fees necessary for the issuance of the final order.

Accordingly, it is ORDERED that the decision is VACATED and the application is DISMISSED for failure to remit proper fees.

VOTE: 4-0 (Susan Morgan Hinton, Angel F. Clarens to vacate the decision and dismiss the application; Sheila Cross Reid and Maybelle Taylor Bennett to vacate the decision and dismiss the application by absentee votes; and Laura Richards not voting, not having heard the case or read the record).

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

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: SEP 11 1997