

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15835 of William N. Smith, Jr. and Jerome E. Smith, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Subsection 401.3 to prescribe the minimum lot area and width of a subdivision, a variance from the side yard requirements (Subsection 405.4), a variance from the allowable percentage of lot occupancy requirements (Subsection 403.2), and a variance to allow a lot to be subdivided that will not meet all zoning requirements (Subsection 101.6) for subdivision and conversion of a flat into two single-family dwellings in an R-5-A District at premises 418 and 420 Mellon Street, S.E. (Square 5997, Lot 37).

HEARING DATE: July 21, 1993  
DECISION DATE: July 21, 1993 (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 Commissions (ANCs) 8C and 8A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8C and in close proximity to ANC 8A. ANC 8C, which is automatically a party to the application, did not file a written statement related to 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 405.4, 403.2 and 101.6, and a special exception pursuant to 401.3. No person or entity appeared at the 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 burdens of proof, pursuant to 11 DCMR 3107 and 3108, that the requested relief can be granted without substantial detriment to the public good, and as being in harmony with 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.

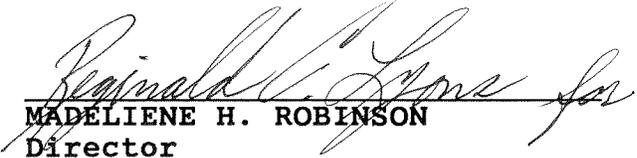
BZA APPLICATION NO. 15835  
PAGE NO. 2

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: 3-0 (Paula L. Jewell, John G. Parsons, and Angel F. Clarens to grant; Sheri M. Pruitt and Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

JUL 30 1993

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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15835Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15835

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 30 1993 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:

William N. Smith  
1011 Carrington Avenue  
Capital Heights, Maryland 20743

Jerome E. Smith  
420 Mellon Street, S.E.  
Washington, D.C. 20032

Vincent Phillips  
427 Mellon Street, S.E., #1  
Washington, D.C. 20032

William Lockridge, Chairperson  
Advisory Neighborhood Commission 8C  
3125 Martin Luther King, Jr., Avenue, S.E.  
Washington, D.C. 20032

  
MADELIENE H. ROBINSON  
Acting Director

DATE: \_\_\_\_\_

JUL 30 1993