

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16011 of Irving Streidel, pursuant to 11 DCMR 3108.1, for a special exception under Section 211 to allow an antenna tower with an accessory equipment building in a C-M-1 District at premises 3701 Benning Road, N.E. (Square 5044, Lot 807).

HEARING DATE: December 21, 1994  
DECISION DATE: December 21, 1994 (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) 7A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 7A. ANC 7A, which is automatically a party to this application, did not submit 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 special exception pursuant to 11 DCMR 211. No person or entity appeared at the public hearing in opposition to this 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall run concurrently with the lease agreement between the property owner and Cellular One, but in no event shall it extend beyond a period of 20 YEARS.

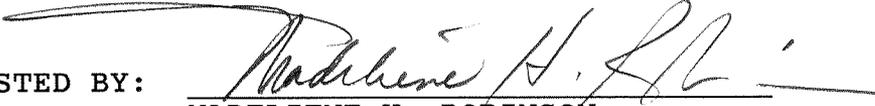
2. The applicant shall secure the property by installing a ten-foot high chain link fence.
3. The applicant shall provide Advisory Neighborhood Commission (ANC) 7A with the name and telephone number of a person to contact in the event of an emergency.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: 5-0 (Craig Ellis, Maybelle Taylor Bennett, Susan Morgan Hinton, Laura M. Richards and Angel F. Clarens to grant).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

DEC 30 1994

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  
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BZA APPLICATION NO. 16011

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 30 1994 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:

Robert Clayton Cooper, Esquire  
Jackson & Campbell, P.C.  
1120 20th Street, N.W.  
Washington, D.C. 20036

Julius Ware, II, Chairperson  
Advisory Neighborhood Commission 7A  
P.O. Box 63463  
Washington, D.C. 20020

  
MADELIENE H. ROBINSON  
Director

DATE: DEC 30 1994

16011Att/bhs