

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16095 of the North Capitol Neighborhood Development, Inc., pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area and width of lot requirements (Subsection 401.3), a variance from the allowable lot occupancy requirements (Subsection 403.2), and a variance from the rear yard requirements (Subsection 404.1) for the construction of two single-family row dwellings in an R-4 District at premises No. 10 and 10 1/2 Hanover Place, N.W. (Square 617, Lots 65 and 219).

HEARING DATES: November 15, 1995, January 10 and February 28, 1996
DECISION DATE: February 28, 1996 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commissions (ANCs) 5C, 2C and 6A, and to owners of property within 200 feet of the site.

The site that is the subject of this application is located within the jurisdiction of ANC 5C. ANC 5C, an automatic party to the application, and ANC 6A submitted written reports 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 401.3, 403.2 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, that there exists a unique or exceptional condition about the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, 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.

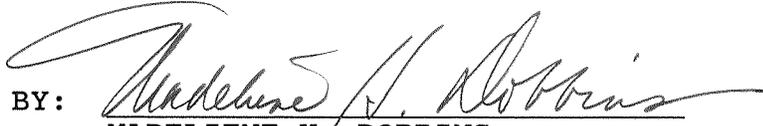
Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

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VOTE: 5-0 (Maybelle Taylor Bennett, Susan Morgan Hinton,
Sheila Cross Reid, Angel F. Clarens and Laura M.
Richards).

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

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: _____

MAR 8 1996

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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 16095

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 8 1996 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:

John Sheridan
North Capitol Neighborhood Deve., Inc.
1330 North Capitol Streets, N.W.
Washington, D.C. 20001

Phil Feola, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
Terrell Junior High School
Shaw/Terrell Community Center
1st and Pierce Streets, N.W.
Washington, D.C. 20001

James D. Berry, Jr., Chairperson
Advisory Neighborhood Commission 5C
1723 3rd Street, N.E.
Washington, D.C. 20002

Keith Mitchell, Chairperson
Advisory Neighborhood Commission 6A
1341 Maryland Avenue, N.E.
Washington, D.C. 20002

A handwritten signature in cursive script, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

DATE: MAR 8 1996