

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16102 of Arthur S. Linde, pursuant to 11 DCMR 3107.2, for a variance from the minimum width of lot and lot area requirements (Subsection 401.3) for the construction of two flats in an R-4 District at premises 1331-33 10th Street, N.W. (Square 367, Lots 83 and 84).

HEARING DATE: April 17, 1996  
DECISION DATE: April 17, 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, and by mail to Advisory Neighborhood Commission (ANC) 2F and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to the application did not file a written statement of issues and concerns 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 401.3. While two persons appeared at the hearing to testify in opposition to the application, the nature of their testimony was to oppose the decision to construct flats on the lots rather than single-family dwellings. Because flats are permitted in this zone district as a matter of right, the opponents' position is not relevant to the issues in this case, i.e., the lot width and area variances. No opposition was expressed on these issues. 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 an exceptional or extraordinary situation or condition related to the property which 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**.

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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: 5-0 (Angel F. Clarens, Susan Morgan Hinton, Sheila Cross Reid, Herbert M. Franklin and Laura M. Richards to grant).

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

ATTESTED BY:   
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: MAY 14 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.

ord16102/TWR/LJP

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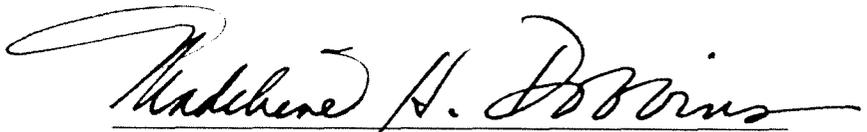
BZA APPLICATION NO. 16102

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 14 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:

Arthur S. Linde  
3824 Klinge Place, N.W.  
Washington, D.C. 20016

Sandra Jean Sands  
1411 10th Street, N.W.  
Washington, D.C. 20001

Mr. David Morris, Chairperson  
Advisory Neighborhood Commission - 2F  
1225-A N Street, N.W.  
Washington, D.C. 20005

  
MADELIENE H. DOBBINS  
Director

DATE: MAY 14 1996