

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16219 of Berry Zigas and Jodie Levin-Epstein, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that does not now meet the side yard requirements and will create a new nonconforming rear yard (Paragraph 2001.3(b) and (c) and a variance from the rear yard requirements (Subsection 404.1) for an addition to a detached single-family dwelling in an R-1-B District at premises 3335 Quesada Street, N.W. (Square 2010, Lot 15).

HEARING DATE: March 19, 1997
DECISION DATE: March 19, 1997 (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) 3G 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, filed a written statement 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 2001.3(b) and (c) 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 adverse to any party.

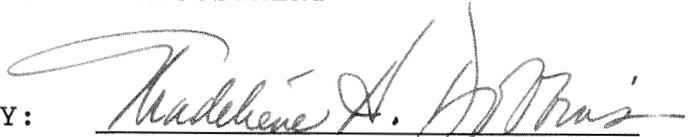
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition which creates a practical difficulty for the owner in complying with the Zoning Regulations, and 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**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirements 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 (Laura M. Richards, Susan Morgan Hinton and Sheila Cross Reid to grant; Angel F. Clarens, not present, not voting; Herbert M. Franklin not voting, having recused himself).

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

ATTESTED BY:



MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAR 28 1997

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), AS 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 TWO YEARS, 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. 16219

As Director of the Board of Zoning Adjustment, I certify and attest that on MAR 28 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jeff Rubin
7404 Bybrock Lane
Chevy Chase, MD 20815

Jodie Levin-Epstein
Barry Zigas
3335 Quesada Street, N.W.
Washington, D.C. 20015

Anne M. Renshaw, Chairperson
Advisory Neighborhood Commission 3G
P. O. Box 6252
Northwest Station
Washington, D.C. 20015

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

MADELIENE H. DOBBINS
Director

Date: MAR 28 1997

SUM219/tr/amb

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 16220 of the Spring Valley-Wesley Heights Citizens' Association, pursuant to 11 DCMR 3105 and 3200.2, from the administration decision of Gladys Hicks, Acting Zoning Administrator made on May 22, 1996, to the effect that approval of Building Permit No. B401462 for paving for a 17 car accessory parking lot in a WHOD/R-1-B District at premises 3301-05 45th Street, N.W. (Square 1603, Lots 1, 2 and 3 (38).

HEARING DATES: April 9, and June 4, 1997

DECISION DATE: June 4, 1997

DISMISSAL ORDER

The subject appeal appeared on the hearing agenda in conjunction with another appeal (No. 16222) and an application (No. 16238) related to the same property, 3301-05 45th Street, N.W. The original hearing of April 9, 1997 was postponed until June 4, 1997. At the end of the June 4th hearing on Appeal No. 16222 the Board granted Appeal No. 16222, vacating the certificate of occupancy approval for the site. Thereafter, parties stipulated to the dismissal of the subject Appeal No. 16220 without prejudice, allowing refiling of the matter at a future date, if desired. The Board accepted the stipulation in anticipation that the matters related to the parking lot at issue would undergo ongoing discussions and would be resolved.

In light of the foregoing, the Board hereby **ORDERS** that the appeal be **DISMISSED WITHOUT PREJUDICE**.

VOTE: 3-0 (Susan Morgan Hinton, Herbert M. Franklin and Laura M. Richards to dismiss; Angel F. Clarens and Sheila Cross Reid not present, not voting, not having heard the case).

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

ATTESTED BY:

Handwritten signature of Madeliene H. Dobbins in cursive script.

MADELIENE H. DOBBINS

Director

FINAL DATE OF ORDER: _____

FEB 19 1998