

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16332 of Harold and Julia Marshall, pursuant to 3107.2, for a variance from the floor area ratio limitation (Subsection 771.2) for an addition to an existing structure in a C-2-A District at premises 4217 9th Street, N.W. (Square 3024; Lots 65, 66 and 805).

HEARING DATE: April 15, 1998
DECISION DATE: April 15, 1998 (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) 4C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, did not file a written statement related to this 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 771.2. 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 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 be **GRANTED**.

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.

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BZA APPLICATION NO. 16332

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest that on APR 29 1998 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Harold and Julia Marshall
4217 9th Street, N.W.
Washington, D.C. 20011

Philip S. Cooper
4000 Albermarle Street, N.W.
Washington, D.C. 20016

Attested By: *Sheri M. Pruitt-Williams*
SHERI PRUITT-WILLIAMS
Interim Director

DATE: APR 29 1998