

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16431 of **Howard Morland**, pursuant to 11 DCMR 3107.2, for a variance under Subsection 2001.3 (c) for the construction of an elevator addition (for handicapped accessibility) which extends a non-conforming side yard (Subsection 405.9), and encroaches on a non-conforming structure to the rear under Subsection 404.1 for a church located in an R-3 District at premises 3133 Dumbarton Avenue, N.W. (Square 1243, Lot 39).

HEARING DATE: **March 3, 1999**
DECISION DATE: **March 3, 1999** **(Bench Decision)**

CORRECTED SUMMARY ORDER*

* This order replaces the Board's **SUMMARY ORDER** for this application dated July 27, 1999. The Board, at its public meeting on September 8, 1999, ordered a minor modification of the announcement to indicate that the application is an "**area variance**" rather than a "**special exception**" case.

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) 2E and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted no written statement of issues and concerns.

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 (c), 405.9 and 404.1. 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 3107.2, 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 this 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.

VOTE: 4-0 (Betty King, Jerry Gilreath, Sheila Cross Reid and John Parsons to grant).

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

ATTESTED BY: 
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: SEP 29 1999

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 FOR THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

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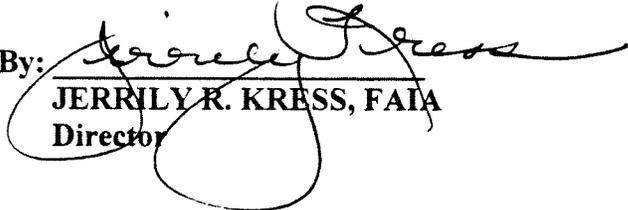
BZA APPLICATION NO. 16431

As Director of the Office of Zoning, I certify and attest that on
SEP 29 1999 a copy of the decision entered on that date in
in this matter was mailed first class, postage prepaid to each party in this
case, and who is listed below:

Howard Morland
4805 N 2nd Street
Arlington, VA 22203

The Chairperson
Advisory Neighborhood Commission (ANC) 2E
St. John's Episcopal Church
3265 S Street, N.W.
Washington, D.C. 20007

Attested By:


JERRILY R. KRESS, FAIA
Director

Attest/JKN