

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16440 of James G. and Courtney M. Doherty, pursuant to 11 DCMR 3107.2, for a variance from the rear yard setback requirements of Section 404.1, a variance from the side yard requirements of Section 405.9, and a variance from provisions of Section 201.1(h) to allow a private garage designed to house no more than 2 (two) motor vehicles and not exceeding four hundred fifty square feet (450sf.) in an R-1-B District at premises 5332 Sherrier Place, N.W. (Square 1442, Lot 63)

HEARING DATE: March 17, 1999

DECISION DATE: March 17, 1999 (Bench Hearing)

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) 3D and to owners of property within 200 feet of the site.

The Board clarified that the requested zoning relief is for construction of a two-story, plus basement, addition to the rear of the existing single-family dwelling unit, and the construction of a three-car (645 square foot) garage at the **side** of the property.

The site of this application is located within the jurisdiction of ANC 3D. ANC 3D, which is automatically a party to this application, submitted a written statement in support of the application. The statement indicated that the Commissioners vote was divided into two parts: (1) to approve without change the plans to add to the house; and, (2) to support no more than a two car garage, and also not to support access coming off of the right-of-way in the back of the property.

The Board ascertained that the applicants are proposing to use a public right-of-way to provide access to the proposed garage. The applicants were advised that, prior to making any improvements or changes in the public right-of-way, approval must be obtained from the appropriate government entity.

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 variances from the strict application of the requirements of 11 DCMR Subsection 404.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

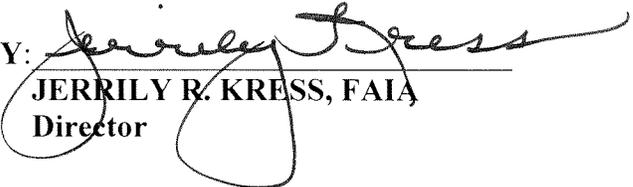
NOTE: SEE THE CHANGE IN PARAGRAPH NO. 2, WHICH IS IN BOLD

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 3331.1 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: 3-0-1 (Sheila Cross Reid, Jerry H. Gilreath and Anthony J. Hood to grant; Betty King, abstaining).

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

ATTESTED BY: 
JERRILY R. KRESS, FAIA
Director

Final Date of Order: AUG - 4 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."

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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.

BZAORD14660/POH/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16440

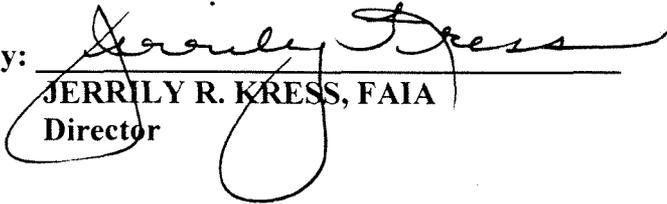
As Director of the Board of Zoning Adjustment, I certify and attest that on AUG - 4 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first postage prepaid to each of the party who appeared and participated in the public hearing concerning this matter, and who is listed below:

James and Courtney Doherty
5332 Surriner Place, N.W.
Washington, D.C. 20016

Peter Grina
4626 Greene Place, N.W.
Washington, D.C. 20007

Eleanor Roberts Lewis, Chairperson
Advisory Neighborhood Commission 3D
East Auditorium Sibley Hospital
P.O. Box 40846
Washington, D.C. 20016

Attested By: _____


JERRILY R. KRESS, FAIA
Director

Date: AUG - 4 1999