

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16462** of Darryl Olusola A. Sulekoiki, pursuant to 11 DCMR 3107.2. for a variance from Subsection 401.3 from the minimum lot coverage for the construction of a two-unit duelling in an R-4 District at premises 438 S Street, N.W. (Square N-508. Lot 4).

**HEARING DATE:** May 19, 1999  
**DECISION DATE:** May 19, 1999 (Bench Decision)

**SUMMARY ORDER**

The site is a through lot. The address of the property was changed from 439 Rhode Island Avenue, N.W. to 438 S Street, N.W. The official address change was requested by the applicant and approved by correspondence date April 28, 1999 from the Department of Consumer and Regulatory Affairs (Exhibit 22 of the record).

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to this application, did not submit a written statement on the application.

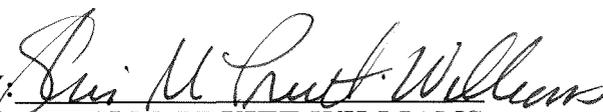
As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 4013. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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 this application be **GRANTED**.

Pursuant to 11 DCMR 3301.1. the Board has determined to waive the requirement of 11 DCMR 3331.1 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party. and is appropriate in this case.

**VOTE: 4 – 0** (Jerry Gilreath, Sheila Cross Reid, Betty King and Anthony Hood to grant.)

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

ATTESTED BY:   
SHERI M. PRUITT-WILLIAMS  
Interim Director

**FINAL DATE OF ORDER:**           MAY 28 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 BEFORE 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16462**

As Interim Director of the Office of Zoning, I hereby certify and attest that on MAY 28 1999 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 the matter, and who is listed below:

Darryl Olusola A. Sulekoiki  
P.O. Box 130  
Lanham, MD 20703-0130

Lawrence L. Thomas, Chairperson  
Advisory Neighborhood Commission 2C  
First & Pierce Streets, NW  
Terrell Junior High School  
Washington, DC 20001

ATTESTED BY:

  
SHERI M. PRUITT-WILLIAMS  
Interim Director

DATE: MAY 28 1999