

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16489 of Dennis Soiberman, pursuant to 11 DCMR 3107.2 for a variance from Section 403.2 lot occupancy and Section 405.9 side yard requirement to allow an addition to an existing structure located in R-3 District at premises 3900 W Street, N.W. (Square 1315, Lot 45).

HEARING DATE: September 29, 1999
DECISION DATE: September 29, 1999 (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) 3-B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3-B. ANC 3-B, which is automatically a party to this 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 Sections 403.2 and 405.9. 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 situation related to the property which creates an undue hardship 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** with the following **CONDITION**:

The existing structure and proposed addition shall not occupy more than 50% of the subject site.

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: 3-1 Betty King, Jerry H. Gilreath and Robert N. Sockwell to grant, Sheila Cross Reid to deny).

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

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

Final Date of Order: Jul 22 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 EVOCATION 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.

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BOARD OF ZONING ADJUSTMENT



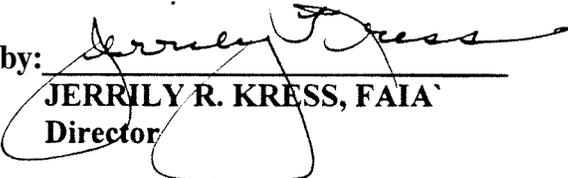
BZA APPLICATION NO.: 16489

As Director of the Office of Zoning, I certify and attest that on OCT 22 1999 a copy of the order entered on the 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:

Mr. Chris Landis
6217 30th Street, NW
Washington, D.C. 20015

Toni A. Ritzenberg, Chairperson
Advisory Neighborhood Commission 3B
Guy Madison Recreation Center
P.O. Box 323 12
Washington, D.C. 20007

Attested by:



JERRILY R. KRESS, FAIA
Director

Date: OCT 22 1999

Attest-16489-1