

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16495 of Alma Newsome, pursuant to 11 DCMR 3108.1(**new 3104.1**), for a special exception under Subsection 333.1 for the construction of a new principal storage structure on an alley lot of an existing structure in an R-4 District at premises 1140 Morse Street, N.E. (Square 4065, Lot 802).

HEARING DATE: **October 13, 1999**
DECISION DATE: **October 13, 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) 5B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 5B. ANC 5B, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2 (**new 3119.2**), the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 333.1. 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 3108.1 (**new 3104.1**), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**, **SUBJECT** to the following **CONDITION**:

1. The facility shall be used for storage only.

Pursuant to 11 DCMR 3301.1(**new 3101.6**), the Board has determined to waive the requirement of 11 DCMR 3331.3 (**new 3125.3**) 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: 3-0 (Sheila Cross Reid, Jerry H. Gilreath and Robert N. Sockwell to grant).

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

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: NOV - 3 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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

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. 16495

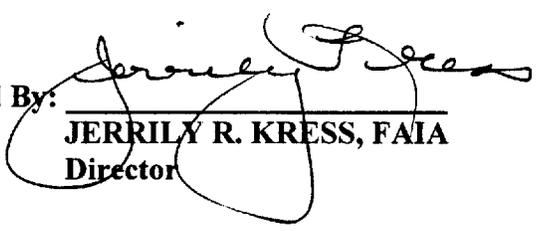
As Director of the Office of Zoning, I certify and attest that on
NOV - 3 1999 a copy of the decision entered on that date in this matter was
mailed first class, postage prepaid to each party in this case, and who is listed below:

Alma Newsome
10101 Linford Terrace
Lanham, MD 20706

William Washington
10101 Linford Terrace
Lanham, MD 20706

The Chairperson
Advisory Neighborhood Commission (ANC) 5B
1355-57 New York Avenue, N.E.
Washington, D.C. 20002

Attested By:



JERRILY R. KRESS, FAIA
Director

Attest 16495/JKN