

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16524 of EastBanc, Inc., pursuant to 3107.2 (new section 3103.2), for a use variance under Section 2507.3 to permit the construction of housing off an alley lot less than 30 feet wide; and an area variance under Subsections 933.3 and 932.1 to encroach on a 12 foot rear yard and to exceed the lot occupancy requirements in a W-1 District at premises 3336-3340 M Street and 3316-3320 M Street, N.W. (Square 1184, Lots 46, 835, 806, 820, 821 and 835).¹

HEARING DATE: December 8, 1999
DECISION DATE: December 8, 1999 (Bench Decision)

SUMMARY ORDER

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) 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 a statement in support of the application.

As directed by 11 DCMR 3119.2, the Board 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 Subsections 2507.3, 933.3 and 932.1. 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.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty and an undue hardship for the owner in complying with the Zoning Regulations, and that the

¹ The application is corrected to reflect the following changes: (1) the address of the premises is 3316 - 3320rear and 3336 - 3342rear M Street, NW; (2) the square and lot numbers are Square 1184, Lots 46, 835, 806, 820 and 821.

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 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 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 to 0 (Robert Sockwell, Kwasi Holman, Sheila Cross Reid and Jerry Gilreath to approve.)

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

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 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 3125.9, "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, 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. 16524

As Director of the Office of Zoning, I hereby certify and attest that on _____ 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:

Richard B. Nettler, Esquire
Robins, Kaplan, Miller & Ciresi
1801 K Street, N.W., Suite 1200
Washington, DC 20006

Jonda McFarlane, Chairperson
Advisory Neighborhood Commission 2E
St. John's Episcopal Church
3265 S Street, NW
Washington, DC 20007

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

DATE: DEC 28 1999