

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16549 of Daniel Berman**, pursuant to 11 DCMR 3103.2, for a variance under Subsection 2001.3(a) and (c) to allow for a proposed addition to an existing nonconforming four-unit apartment house and under Subsection 406.1 from the minimum closed court width requirements in an R-5-B District at premises 1906 Biltmore Street, N.W. (Square 2549, Lot 419).

**HEARING DATE:** February 16, 2000  
**DECISION DATE:** February 16, 2000 (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) 1C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 1C. ANC 1C, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 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 variance from the strict application of the requirements of 11 DCMR Subsection 2001.3 (a) and (c). 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 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**.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.331.3 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: 5-0** (Sheila Cross Reid, Carol Mitten, Robert Sockwell, Anne Renshaw and Rodney Moulden to approve).

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

ATTESTED BY:   
JERRILY R. KRESS, FAIA  
Director

MAR 15 2000

**Final Date of Order:** \_\_\_\_\_

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 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.: 16549**

As Director of the Office of Zoning, I certify and attest that on 11.15.2009 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 this matter, and who is listed below:

Craig Ellis, Esquire  
1436 Fenwick Lane  
Silver Spring, MD 20910

Linda E. Softli, Chairperson  
Advisory Neighborhood Commission 1C  
2335 18<sup>th</sup> Street, NW  
PO Box 21652  
Washington, DC 20009

Attested by:   
JERRILY R. KRESS, FAIA  
Director

Attest/#16549/3-1-00/poh