

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 20785
Andy and Debbie Wilson, LLC
1531 U Street, SE (Square 5776, Lot 812)

HEARING DATE: June 28, 2023¹

DECISION DATE: June 28, 2023

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct two new, two-story with basement, principal dwelling units, and construct a two-story rear addition to an existing, semi-detached, two-story with basement, principal dwelling unit in the R-3 zone:

- Special Exception from the minimum lot width and minimum lot area requirements of Subtitle D § 302.1, pursuant to Subtitle C § 1001.2(b)(3), Subtitle D § 302.5, Subtitle D § 5206, and Subtitle X § 901.2
- Special Exception from the lot occupancy requirements of Subtitle D § 304.2, pursuant to Subtitle D § 5201 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 29 (Final Revised).)²

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8A, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC did not submit a report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted two reports to the record:

¹ The public hearing was postponed at the Applicant's request from the November 30, 2022, February 8, 2023, and May 10, 2023 hearings.

² The application was amended to add special exception relief from the lot occupancy requirements of Subtitle D § 304.2 for Lot C.

- The original OP report, dated November 18, 2022, recommended approval of the lot width and lot area relief under the Voluntary Inclusionary Zoning requirements, however noted that relief from the lot occupancy requirements may be necessary. (Exhibit 20.)
- The supplemental OP report, dated June 21, 2023, recommended approval of the added lot occupancy relief and continued to recommend approval of the originally requested relief. (Exhibit 34.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the original application because it concluded that the relief would not result in any adverse impacts to the District’s transportation network. (Exhibit 21.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception from the minimum lot width and minimum lot area requirements of Subtitle D § 302.1, pursuant to Subtitle C § 1001.2(b)(3), Subtitle D § 302.5, Subtitle D § 5206, and Subtitle X § 901.2
- Special Exception from the lot occupancy requirements of Subtitle D § 304.2, pursuant to Subtitle D § 5201 and Subtitle X § 901.2

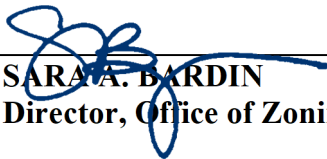
Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 28 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: 3-0-2 (Lorna L. John, Chrishaun S. Smith, and Joseph S. Imamura to APPROVE; Frederick L. Hill not present, not participating, one Board seat vacant)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: July 10, 2023

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.