

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18098 of John P. Storz, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403), rear yard (section 404), and court (section 406) requirements in the R-4 District at premises 914 P Street, N.W. (Square 366, Lot 814).

HEARING DATE: September 14, 2010

DECISION DATES: September 28 and October 5, 2010

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The Application was accompanied by a memorandum, dated February 3, 2010, from the Zoning Administrator stating that a review of the Applicant's plans for the subject property indicated that Board of Zoning Adjustment ("Board") approval was required for a special exception pursuant to § 223.1 to permit the proposed addition to an existing single family row structure in the R-4 zone district, which does not comply to the requirements of §§ 403, 404, and 406. (Exhibit 4).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. On September 22, 2010, ANC 2F submitted its report, dated September 2, 2010, indicating that at a duly-noticed special public meeting on September 1, 2010, at which a quorum was present, ANC 2F voted unanimously by a vote of 5:0 to approve the pending application.¹ (Exhibit 26). The Office of Planning ("OP") submitted a timely report indicating that it could not recommend approval of the application. In its report OP indicated that the plans initially filed by the

¹ The ANC's report indicated that it had analyzed and approved the application with the original plans under the more rigorous variance test. During its deliberations, the Board noted that and, in giving the ANC's report great weight, surmised that the ANC would be in support of the application under the less rigorous special exception test as well.

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Applicant would exceed 70% lot occupancy, thus requiring area variance relief.² OP opposed granting area variance relief, but noted that if the Applicant reduced lot occupancy by 1.3 percent, it would allow the application to be considered under the special exception provisions of the Zoning Regulations.³ (Exhibit 24).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 223, not meeting the lot occupancy (§ 403), rear yard (§ 404), and court (§ 406) requirements. No parties appeared at the public hearing in opposition to this 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 and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, 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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 27 – Revised Plans) be **GRANTED**.

VOTE: **4-0-1** (Nicole C. Sorg, Michael G. Turnbull, Meridith H. Moldenhauer, and Jeffrey L. Hinkle to APPROVE; the fifth Board member (vacant) not participating or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

² At the September 14th hearing, the Board recognized the discrepancy in the record regarding lot occupancy and requested that the Applicant work through various project scenarios, coordinate with OP, and clarify the correct lot occupancy. In response to the Board's request, the Applicant submitted revised computations and plans on September 28, 2010, indicating a reduction of lot occupancy to 997.5 square feet, or 69.5%. (Exhibit 27).

³ The Applicant filed revised computations and plans, so that the lot occupancy no longer exceeded 70% and the application could be considered under the special exception provisions of the Zoning Regulations. (See, Exhibit 27). According to the Board in its deliberations on October 5th, OP, in both its report and testimony at the hearing, had indicated that OP would have been in support if the application was scaled back as to lot occupancy and able to be analyzed under the provisions dealing with special exceptions.

FINAL DATE OF ORDER: OCT 14 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, 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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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.

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As Director of the Office of Zoning, I hereby certify and attest that on OCT 14 2010, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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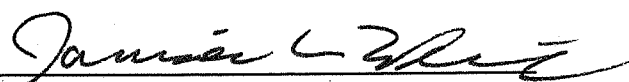
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