

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18153 of Julie Norton, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403), and nonconforming structure (subsection 2001.3) requirements in the DC/R-4 District at premises 1461 S Street, N.W. (Square 206, Lot 25).¹

HEARING DATES: January 4, 2011 and February 8, 2011
DECISION DATE: February 8, 2011

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 4 and 23.)

The Board of Zoning Adjustment (“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”) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application.² On December 21, 2010, ANC 2B submitted a report, dated December

¹ The Applicant amended the application twice, first requesting a variance for parking relief under § 2101.1 (Exhibit 23), and thereafter withdrawing that variance request. (Exhibit 29.)

² After the Applicant filed an amendment to the original application, requesting variance relief, (Exhibit 23), the immediate neighbors, ANC 2B, and the Dupont Circle Conservancy were notified of the request for added relief and the additional relief was added to the public hearing notice posted on the subject property. The Board dealt with the request for variance relief as a preliminary matter before the scheduled January 4, 2011 Public Hearing. The Board determined that surrounding neighbors within 200 feet would have to be re-noticed about the additional relief and the Public Hearing was rescheduled to March 1, 2011 to allow time for revised public notices to be mailed to those surrounding property owners. (See, Exhibit 30.) The Applicant, in its submission of January 13, 2011, amended its application a second time by removing the request for variance relief under § 2101.1 and requested a hearing date of February 8 or 15. (Exhibit 29.) As the notices that had gone out were proper and complete, the hearing was rescheduled on February 8, 2011.

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8, 2010, indicating that at a public meeting on December 8, 2010, ANC 2B voted unanimously by a vote of 7:0 to approve the pending application, for both the requested special exception and variance relief. (Exhibit 25.) Thereafter, on January 31, 2011, ANC 2B submitted a second report dated January 27, 2011, indicating that the ANC was aware that the Applicant had withdrawn its variance request and the ANC continued to support the request for special exception relief.³ (Exhibit 31.)

The Office of Planning (“OP”) submitted a report recommending approval of the requested special exception, although noting that it could not support the variance relief.⁴ (Exhibit 26.) Thereafter, OP filed a supplemental report after the application was amended to no longer request variance relief. OP filed a supplemental report, dated January 19, 2011, in which it noted that OP continued to recommend approval of the special exception relief requested pursuant to § 223. (Exhibit 30.)

The Dupont Circle Conservancy submitted a letter of support for the project as presented at its November 9, 2010 meeting. (Exhibit 22.) Letters of support were submitted from the occupant or owner of 1813 15th Street, N.W.; Matt Gardner and Alison Rein, who own 1811 15th Street, N.W.; Clyde Richmond, owner of 1459 S Street, N.W.; Sheri A. Dillon; and William Bratton, owner of 1444 S Street, N.W. (Exhibit 32.) A letter of opposition was submitted by Katherine Andrew, 15th Street and Swann, N.W. (Exhibit 27.)

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), and nonconforming structure (§ 2001.3) 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 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 29 – Amended Plans) be **GRANTED**.

³ During its deliberations, the Board recognized the ANC’s support for the application, but did not grant the ANC’s reports great weight as neither report indicated that the meetings were regularly scheduled and properly noticed or that a quorum was present.

⁴ OP asked for and the Board granted a waiver of the rules regarding time limits for submitting its report.

VOTE: 4-0-1 (Meridith H. Moldenhauer, Nicole C. Sorg, Jeffrey L. Hinkle, and Peter May 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

FINAL DATE OF ORDER: FEB 15 2011

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

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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 **FEB 15 2011**, 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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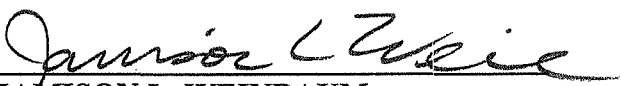
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ATTESTED BY:


JAMISON L. WEINBAUM
Director, Office of Zoning