

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18173 of Allison C. Warren, pursuant to 11 DCMR § 3103.2, variances from the lot occupancy requirements under § 403, the alley center line setback requirements under § 2300.2(b), the lot area and width requirements under §§ 401.1 and 401.3, and the requirements for non-conforming structures devoted to conforming uses under § 2001.3, to allow the construction of an accessory garage serving a one-family row dwelling in the R-4 District at premises 906 Maryland Avenue, N.E. (Square 936, Lot 24).¹

HEARING DATE: March 1, 2011
DECISION DATE: March 15, 2011

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment (“Board” or “BZA”) 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”) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. On February 14, 2011, ANC 6A submitted a report, dated February 11, 2011, in support of the Applicant’s project. The ANC’s report indicated that at a regularly scheduled and duly noticed public meeting with a quorum present, the ANC voted to approve the motion unanimously by a vote of 7:0:0.² (Exhibit 25.) The Office of Planning (“OP”) submitted

¹ The Board reopened the record to allow the Applicant to amend the application by adding requests for variance relief from existing nonconforming lot size and area under §§ 401.1 and 401.3 and from the requirements for nonconforming structures devoted to conforming uses under § 2001.3 of the Zoning Regulations to the two variances originally requested. (Exhibit 24.) The Board waived the requirement to post the request for amended relief, as the Applicant had served (Exhibit 30) and presented the request to the ANC and had the neighbors’ support.

² The ANC indicated that the Applicant requested the ANC’s support of the added requests for variance relief from existing nonconforming lot size and area under §§ 401.1 and 401.3 and from the requirements for nonconforming structures devoted to conforming uses under § 2001.3 of the Zoning Regulations as well as the original relief being

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a report dated February 22, 2011 in support of the application. (Exhibit 27.) Letters of support were submitted for the record from three neighbors: Gail K. Robinson, 910 Maryland Avenue, N.E., Dane Taylor, 904 Maryland Avenue, N.E., and Marvin Rosskopt, 916 Maryland Avenue, N.E. (Exhibit 24, attachments.) Additionally, next door neighbor Gail K. Robinson applied for party status as a proponent. (Exhibit 23.) She did not attend the hearing; consequently, the request for party status was not granted.

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 § 3103.2, for variances from the lot occupancy requirements under § 403, the alley center line setback requirements under § 2300.2(b), the lot area and width requirements under §§ 401.1 and 401.3, and the requirements for non-conforming structures devoted to conforming uses under § 2001.3, to allow the construction of an accessory garage serving a one-family row dwelling in the R-4 District.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3103.2, 403, 2300.2(b), 401.1, 401.3, and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or an undue hardship for the owner in complying with the Zoning Regulations, and that the 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. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application (pursuant to Exhibit 29 – Drawings and Plans) is hereby **GRANTED**.

VOTE: 3-0-2 (Meridith H. Moldenhauer, Jeffrey L. Hinkle, and Michael G. Turnbull (by absentee vote) to Approve; Nicole C. Sorg and the third Mayoral appointee (vacant) neither participating, nor voting.)

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

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

requested. While the ANC questioned whether variances from these sections are required, it indicated that it supported the Applicant's request and provided its reasons for doing so in its report. (Exhibit 25.)

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

FINAL DATE OF ORDER: MAR 18 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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



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As Director of the Office of Zoning, I hereby certify and attest that on **MAR 18 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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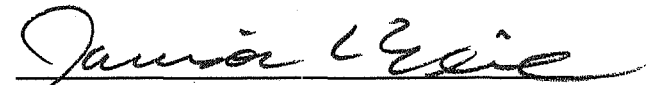
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ATTESTED BY:

A handwritten signature in dark ink, appearing to read "Jamison L. Weinbaum", written over a horizontal line.

JAMISON L. WEINBAUM

Director, Office of Zoning