

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Order No. 18174-B of Application of EDCO, LLC¹, Motion for Minor Modification of Approved Plans for Application No. 18174, pursuant to § 3129 of the Zoning Regulations.

The original application was pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101 1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S E. (Square 1077, Lot 808).

HEARING DATE (Orig. Application):	March 1 and March 15, 2011
DECISION DATE (Orig. Application):	March 15, 2011
FINAL ORDER ISSUANCE DATE (No. 18174):	March 23, 2011
DECISION DATES ON MOTION TO EXTEND ORDER:	March 26 and April 9, 2013
EXTENSION ORDER ISSUANCE DATE (No. 18174-A):	April 19, 2013
MODIFICATION DECISION DATE:	July 30, 2013

SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION OF APPROVED PLANS

Background

On March 23, 2011, the Board of Zoning Adjustment (the “Board” or “BZA”) approved EDCO LLC’s (the “Applicant”) request for a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101 1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District. Thus, pursuant to 11 DCMR § 3103.2, the Board granted variances from the lot occupancy requirements under § 722.1, from the off-street parking requirements under § 2101 1, and from the requirements for an addition to a non-conforming

¹ The original application was captioned Gary Cohen, who is the authorized representative for the Applicant, EDCO LLC. The caption has been changed to reflect that

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18174-B
EXHIBIT NO. 45

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CASE NO. 18174
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BZA APPLICATION NO. 18174-B
PAGE NO. 2

structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E (Square 1077, Lots 808). Order No. 18174 (the “Order”) was issued March 23, 2011. (Exhibit 31.)

Request for Minor Modification of the Approved Plans

On May 28, 2013, the Applicant submitted a request for a minor modification to the plans approved in BZA Order No. 18174 that granted a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E. In its motion the Applicant indicated that, pursuant to § 3129 of the Zoning Regulations, it was requesting modifications to the plans to make some minor modifications to the façade and building height from the plans that were previously approved by the Board. The Applicant stated that the modification was proposed in response to the development planned on the abutting site, would not change the zoning relief needed for the Applicant’s project, and do not change the material facts upon which the Board relied in granting the original variance relief. (Exhibit 42.) The record indicates that the request for modification was served on all of the parties to the case: the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 6B, the affected ANC, and the Single District Member. (Exhibit 42.)

Section 3129, specifically § 3129.3, indicates that a request for minor modification “of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application.” On April 9, 2013, the Board approved the Applicant’s request to extend the validity of Order No. 18174 for another two years, i.e. until March 23, 2015. (Exhibit 40.) The current motion for a minor modification of approved plans was filed within the two-year period following the extension of the final order in the underlying case and thus is timely.

Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. OP submitted a report, dated July 23, 2013, recommending approval of the Applicant’s request to modify the approved plans by increasing the height of the building from 42 feet to 50 feet and to redesign the building’s façade. (Exhibit 43.) The affected ANC, ANC 6B, did not submit a report or respond to the motion.

No objections to the request for minor modification were submitted by any parties to the case. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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 for modifications of approved plans. Subsection 3129.6 of the Zoning Regulations authorizes the Board to grant, without a hearing,

BZA APPLICATION NO. 18174-B
PAGE NO. 3

requests for minor modifications of approved plans that do not change the material facts upon which the Board based its original approval of the application. (11 DCMR § 3129.6)

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a modification to the approved plans, the Applicant has met its burden of proof under 11 DCMR § 3129, that the modification is minor and no material facts have changed upon which the Board based its decision on the underlying application that would undermine its approval.

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 for modification of approved plans is hereby **GRANTED, PURSUANT TO THE MODIFIED PLANS DATED MAY 24, 2013 AT EXHIBIT 42, TAB A.** In all other respects Order No. 18174 and the conditions therein remain unchanged.

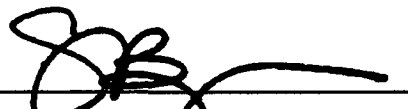
VOTE on Modification of Order No. 18174: **4-0-1**

(Lloyd J. Jordan, Anthony J. Hood, S. Kathryn Allen, and Jeffrey L. Hinkle to APPROVE, the third Mayoral appointee vacant)

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

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

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 8, 2013

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.