

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18243 of Vanessa Manchester, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to construct a free standing garage addition serving an existing one-family row dwelling under § 223, not meeting the lot occupancy (§ 403) requirements, and a variance from the accessory structure height and story limitations under § 2500.4, in the R-4 District at premises 1231 F Street, N.E. (Square 1007, Lot 13).

HEARING DATE: September 13, 2011
DECISION DATE: October 4, 2011

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18243

EXHIBIT NO. 34

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application of Vanessa Manchester (the "Applicant") was accompanied by a memorandum, dated March 30, 2011, from the Zoning Administrator ("ZA"). The ZA's memorandum stated that the Applicant required relief from the Board of Zoning Adjustment ("Board" or "BZA") to construct the Applicant's proposed free standing garage addition to the subject property. Specifically, the ZA indicated that special exception relief, pursuant to § 3104.1, under 11 DCMR § 223.1 to allow the proposed two-story detached garage that does not comply with maximum lot occupancy required by § 403.2 and a variance, pursuant to § 3103.2, from § 2500.4 to permit a two-story detached garage that exceeds the maximum height and number of stories allowed for an accessory structure was required from the Board. (Exhibit 6.)

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") 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. ANC 6A filed a report, dated September 15, 2011, which indicated that at a duly noticed, regularly scheduled public meeting with a quorum of Commissioners present, the ANC voted, by a vote of 7:0:0, to support the application. (Exhibit 29.)

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The Office of Planning ("OP") submitted a timely report recommending conditioned approval of the application for special exception and variance relief. OP recommended that the Board approve the relief on condition that the area below the garage only is used for storage purposes. (Exhibit 24.)

Letters of support were received for the record from neighbors William Schultheiss and Liz Twarog, 1225 F Street, N.E.; Marty Coleman, 1229 F Street, N.E.; Angela Ross, 1227 F Street, N.E.; and Seth Goldman, president, Senate View Condominium Association, 1233 and 1235 F Street, N.E., on behalf of the condominium association. (Exhibits 7, 8, and 28.) These letters of support noted that neighbors had seen and supported the application and plans. Gary Peterson, Chair of the Zoning Committee of the Capitol Hill Restoration Society ("CHRS") provided testimony on behalf of the CHRS, in support of the application for special exception relief and to oppose the variance relief only to the aspect of the accessory structure height "popup access" and the rooftop deck.¹ (Exhibit 26.)

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 special exception relief under § 223 (§ 403) of the Zoning Regulations. 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 filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223 (§ 403), 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.

Also, 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 a variance from the accessory structure height and story limitations under § 2500.4, to allow a free standing garage addition to an existing 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 and 2500.4, 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

¹ The Applicant submitted revised plans which addressed CHRS's concerns regarding both the "popup access" and the rooftop deck. (Exhibit 31.)

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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 31 Revised Plans)² is hereby **GRANTED SUBJECT TO THE FOLLOWING CONDITION:**

1. The basement level space below the garage shall be used for storage purposes only.

VOTE: **5-0-0** (Meridith H. Moldenhauer, Nicole C. Sorg, Lloyd J. Jordan, Jeffrey L. Hinkle, and Anthony J. Hood, to GRANT.)

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

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

ATTESTED BY:



RICHARD S. NERO, JR.
Acting Director, Office of Zoning

FINAL DATE OF ORDER: OCT 11 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.

² The Board approved the revised plans, dated September 22, 2011, that revised the original drawings submitted on April 29, 2011. According to the Applicant's architect, the revised plans reflect changes in the following areas: (1) a reduction in height of the proposed garage, specifically the stair tower, and (2) the removal of the rooftop deck. (Exhibit 31.)

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.