

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18260 of The Holy Comforter St. Cyprian Community Action Group, pursuant to 11 DCMR § 3104.1, for a special exception under § 2116.1, to allow the location of accessory parking spaces other than on the same lot as the principal use in the C-2-A and R-4 Districts at premises 124 15th Street, S.E. (Square 1072, Lots 48, 84, and 800).¹

HEARING DATE: October 18, 2011
DECISION DATE: October 18, 2011

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was 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 the Applicant, Advisory Neighborhood Commission (“ANC”) 6B, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a letter, dated September 26, 2011, in support of the application. The ANC noted that at a duly noticed and regularly scheduled public meeting on September 13, 2011, with a quorum present, the ANC voted unanimously (9:0:0) to support the application.² (Exhibit 26.)

¹ The advertised relief referenced three Lots. 48, 84, and 800. The Applicant owns all three lots, two are unimproved alley lots (Lots 48 and 800) and one is improved (Lot 84). Lot 84 will contain a new structure that will be built to replace a partially collapsed pre-1958 building. Because of the collapse and resulting razing of this pre-1958 building, six parking spaces now are required, leading to the request for a special exception. According to the Applicant, one of the required spaces will be located on Lot 84 and the other five will be located on Lot 800. (Exhibit 23.)

² According to the OP report, the Applicant also signed a memorandum of understanding (“MOU”) with the surrounding neighbors to address concerns about construction activities, center operations after construction is completed, future parking management, and on-going relations with the neighborhood. (Exhibit 28.)

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The Office of Planning ("OP") and the District's Department of Transportation ("DDOT") also submitted reports in support of the application. (Exhibits 28 and 27.)

There were no parties, nor any witnesses or letters of support or opposition. The Board did receive one letter, dated October 10, 2011, from Susan C. Kelly of Independence Avenue Investments, LLC, which stated that the Applicant's denotation of a public alley on the original site plan was inaccurate. (Exhibit 29.) The Applicant submitted a corrected, amended site plan, which the Board accepted and ultimately approved. (Exhibit 25.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 3104.1 from the strict application of the regulations pertaining to parking spaces located on a lot other than the lot with the buildings or structures they are intended to serve under § 2116.1. 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.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 2116.1, 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.

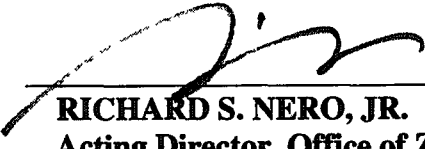
Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that the application is hereby **GRANTED** (pursuant to Exhibit 25, Amended Site Plan).

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

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 20 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.