

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18361 of George Boguslawski, pursuant to 11 DCMR § 3104.1, for a special exception to construct an accessory garage serving a one-family row dwelling under § 223, not meeting the lot occupancy (§ 403), minimum lot width (§ 401), and minimum lot area (§ 406) requirements in the R-4 District at premises 808 L Street, N.E. (Square 51, Lot 908).¹

DECISION DATES: April 10, 2012 and May 15, 2012 (Expedited Calendar)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 20.)

Pursuant to 11 DCMR § 3181, this application was tentatively placed on the expedited calendar of the Board of Zoning Adjustment ("BZA" or "Board") for decision without hearing as a result of the Applicant's waiver of their right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 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 did not submit a report.² The Office of Planning ("OP") submitted a report in support of the application. (Exhibit 23.) The District Department of Transportation ("DDOT") submitted a report indicating that DDOT had no objection to the special exception. (Exhibit 22.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. On April 10, 2012, the Board called Application No. 18361 and

¹ The application was amended to add relief under §§ 401 and 406 and the caption revised accordingly.

² According to the Applicant, ANC 6A's Economic Development & Zoning Committee met March 21, 2012, reviewed the project and gave it unanimous support. The full ANC was scheduled to review the project at its April 12, 2012 meeting. (Exhibit 24.)

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18361

EXHIBIT NO. 28

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granted the Applicant's request to continue the matter until May 15, 2012.³ At the April 10, 2012 meeting, the Board also denied a request for party status from Kok Chiang as a party proponent of the application. (Exhibit 21.) On May 15, 2012, the application, which had been continued until that date, was called on the Board's expedited calendar and the Board voted to grant the application.

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 under § 223 (§§ 401, 406, and 403). 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223 (§§ 401, 406, and 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.

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 8 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Rashida Y.V. MacMurray, Nicole C. Sorg, and Jeffrey L. Hinkle to APPROVE. The Zoning Commission member not present, not voting.)

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

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

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: **MAY 17** 2012

³ On April 5, 2012, the Applicant requested the Board to table its deliberations on the application to give the Applicant sufficient time in which to post notice on the property at least 15 days in advance of the decision meeting, pursuant to § 3113.14 as well as to provide the ANC an opportunity to submit a report. (Exhibit 24.) On May 4, 2012, the Applicant submitted its affidavit of posting dated May 2, 2012. (Exhibit 25.)

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.