

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18364 of Barracks Row Venture LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the parking requirements for historic buildings under subsection 2120.6, to allow an addition to an existing building for retail, office, and restaurant use in the CHC/C-2-A District at premises 717 8th Street, S.E. (Square 904, Lot 35).¹

SUMMARY ORDER

HEARING DATES: June 19, 2012 and July 24, 2012

DECISION DATE: July 24, 2012

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

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”) 6B, the Office of Planning (“OP”), and to owners of property within 200 feet of the site.

The case was originally scheduled for a public hearing on June 19, 2012. By letter dated June 7, 2012, the Applicant requested a postponement of the public hearing. (Exhibit 24.) At the June 19, 2012 public hearing the Board agreed to the Applicant’s request for postponement and rescheduled the case for a public hearing on July 24, 2012.

The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. On July 10, 2012, at a regularly scheduled and duly noticed public meeting at which a quorum was present, the ANC voted (8-0-0) to recommend approval of the

¹ The Applicant amended the application to withdraw the request for variance relief from the rear yard requirements and amend the requested parking relief. The Applicant noted that variance relief from § 2120.3 was not required. Rather, the Applicant requested special exception relief from the parking requirements for historic resources pursuant to § 2120.6 in order to remove the two parking spaces which existed on the Subject Property. The case caption has been amended accordingly.

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18364

EXHIBIT NO. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 18364
EXHIBIT NO. 33

BZA APPLICATION NO. 18364
PAGE NO. 2

application. The ANC submitted a written report, dated July 14, 2012, to that effect. (Exhibit 29.) The Board accepted the ANC's written report into the record.

OP submitted a report into the record dated July 17, 2012 which supported the application. (Exhibit 30.) At the July 24, 2012 public hearing, OP noted that it supported the application and proposed a condition that the Applicant be required to participate in an existing valet parking service program along 8th Street, S.E. Additionally, letters of support were submitted by six neighboring property owners. (Exhibit 28, Tab D.) No other persons or parties participated in this case. Accordingly, a decision by the Board to grant the 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 a special exception pursuant to §§ 2120.6 and 3104.1 in order to remove the two parking spaces which are currently located on the Subject Property. The Board discussed the condition proposed by OP regarding participation in an existing valet parking service on 8th Street, S.E, and determined that such a condition was not necessary.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2120.6, for a special exception to permit the removal of the two existing parking spaces on the property, and 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 for the above special exception relief. The waiver will not prejudice the rights of any party, and is not prohibited by law.

It is therefore **ORDERED** that the special exception relief necessary to remove the two existing parking spaces in the building located on the Subject Property be **GRANTED, SUBJECT** to the approved plans, as shown on Exhibit 28.

VOTE: 5-0-0 (Lloyd J. Jordan, Nicole C. Sorg, Rashida Y.V. MacMurray, Jeffrey L. Hinkle, and Anthony J. Hood to **Approve**.)

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: July 26, 2012

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.