

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



**Application No. 18115 of Richard Klugman**, pursuant to 11 DCMR § 3103.2, for a variance from the minimum lot area requirements under subsection 401, a variance from the lot occupancy requirements under section 403, a variance from the court requirements under section 406, the nonconforming structure provisions under subsection 2001.3, and a variance from the off-street parking requirements under subsection 2101.1, to allow the conversion of a twelve (12) unit rooming house into a three (3) unit apartment house, with a new third story addition, in the R-4 District at premises 3603 13<sup>th</sup> Street, N.W. (Square 2829, Lot 59).

**HEARING DATE:** October 19, 2010  
**DECISION DATE:** November 16, 2010

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

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”) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A submitted a letter in support of the application. The Office of Planning (“OP”) submitted a timely report recommending approval of 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 § 3103.2, for variances from sections 401, 403, 406, 2101.1, and 2001.3. Based upon the record before the Board and having given great weight to the OP and ANC reports filed

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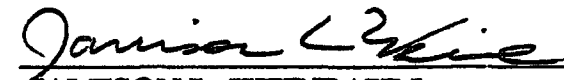
in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 401, 403, 406, 2001.3, and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with 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 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.

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 13 – Plans) be **GRANTED**.

**VOTE:** 3-0-2 (Meridith H. Moldenhauer, Michael G. Turnbull and Jeffrey L. Hinkle to APPROVE. Nicole C. Sorg and the third Mayoral appointee (vacant) not participating, nor voting.)

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

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

**ATTESTED BY:**   
**JAMISON L. WEINBAUM**  
Director, Office of Zoning

**FINAL DATE OF ORDER:** NOV 18 2010

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 § 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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR

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**ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.**

**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 PURPOSES OF SECURING A BUILDING PERMIT.**

**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, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.**

1 transportation. That being said we also have  
2 three letters of support in the record and we  
3 also have a letter of support from the ANC which  
4 would be given great weight. That being said I  
5 think that this case is a very factual  
6 circumstance and it just barely in my mind passes  
7 the threshold which as I said a very high  
8 threshold for satisfying a variance but I feel  
9 that it does and I would be in favor of  
10 supporting the application. That's my analysis  
11 but at this time I would like to open up the  
12 floor to additional deliberation from other Board  
13 Members.

14 MR. TURNBULL: Madam Chair I would agree  
15 with your comments, your analysis of this, I  
16 think it was an excellent analysis and on a very  
17 difficult situation with the variance. I think  
18 it's awkward for us to look at a property like  
19 this, I think, it's sort of like a balance scale  
20 and you look at both of them and you can see OPS  
21 reaction strict interpretation of the  
22 regulations. You begin to wonder at times

1 whether a rooming house should even be permitted  
2 I guess, but it is permitted. I think that no  
3 matter what even if you wanted to change this to  
4 just a single family residence you would have to  
5 gut the insides, there's a significant amount of  
6 renovation that would have to be done with the  
7 amount of walls that it had and even to bring  
8 this building probably up to code, so there is a  
9 significant amount of construction that would  
10 have to be done and I think even the cost for  
11 adding the third floor is not much additional to  
12 the second floor, or just gutting the whole  
13 thing. So I think there is a practical  
14 difficulty in one sense, or there is a uniqueness  
15 with this site in that with it's current  
16 configuration as a rooming house to unless you  
17 were going back even if you were going back to I  
18 think to change it to a rooming house you'd still  
19 have a lot of work to probably to bring this up  
20 to code. But going to a single family residence  
21 or to a flat, there's a significant amount of  
22 renovation and remodeling that would have to be

1 done. I think in one, I have a little bit of  
2 trouble as looking this as is this really a  
3 uniqueness to it, but I think in this particular  
4 case and I think and I want to stress for the  
5 record that in this particular case, this could  
6 be considered a uniqueness to it and then  
7 following up on that then there is a practical  
8 difficulty on how you afford to be able to do  
9 this kind of a renovation. So I was going to say  
10 I've struggled with this but in, I would agree  
11 with your analysis and I would be in favor of  
12 granting this.