

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18699 of JK Enterprises Inc., pursuant to 11 DCMR § 3103.2, for variance from the nonconforming structures devoted to conforming uses requirements under subsection 2001.3, to allow a Dry Cleaners, Alteration, Shoe Repair and Pick Up Service in the R-4 District at premises 2712 11th Street, N.W (Square 2859, Lot 855).¹

HEARING DATE: February 4, 2014
DECISION DATE: March 18, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application of JK Enterprises Inc. (the “Applicant”) was accompanied by a memorandum, dated September 5, 2013, from the Zoning Administrator (“ZA”). At the Applicant’s request, the ZA provided guidance on the specific zoning relief that would be required from the Board of Zoning Adjustment (“Board” or “BZA”) for the Applicant’s proposal (Exhibit 8.) Subsequently, the Zoning Administrator submitted a revised memorandum, dated January 16, 2014. (Exhibit 24)

The Board of Zoning Adjustment (“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”) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. No letter was received from ANC 1B. The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 27.) The District Department of Transportation (“DDOT”) submitted a letter of “no objection” to the application (Exhibit 23.)

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 nonconforming structures devoted to conforming uses requirements under subsection 2001.3. 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.

¹ Applicant changed request from special exception to variance relief, pursuant to Zoning Administrator’s revised memorandum, dated January 16, 2014 (Exhibit 24)

441 4th Street, N W , Suite 200/210-S, Washington, D C 20001
Telephone (202) 727-6311 Facsimile (202) 727-6072 E-Mail dcoz@dc.gov Web Site www.dcoz.dc.gov

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 186 99
EXHIBIT NO. 32

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Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from § 2001.3, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship and a practical difficulty 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

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. The waiver is therefore **ORDERED** that this application is hereby **GRANTED**.

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Jeffrey L. Hinkle to GRANT,
S.Kathryn Allen and Zoning Commissioner not participating, 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:



for
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER March 20, 2014

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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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

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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.