

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18724 of 819 D LLC, pursuant to 11 DCMR § 3103.2, for variances from the minimum lot area requirements under subsections 401.1 and 401.3, and a variance from the court requirements under section 406 to allow the renovation and conversion of a vacant church and two adjacent townhouses into 30 residential units in the R-4 District at premises 819 D Street, N.E. (Square 916, Lots 74, 811 and 818).

HEARING DATE: March 11, 2014
DECISION DATE: March 11, 2014

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18724
EXHIBIT NO. 31

SUMMARY ORDER

SELF-CERTIFIED

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

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") 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. The ANC submitted a letter in support of the application. The Office of Planning ("OP") submitted a report in support of the application. The Department of Transportation had no objection to the application.

Variance

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 § 401.1, 401.3 and 406. 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.

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BZA APPLICATION NO. 18724
PAGE NO. 2

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 in seeking a variance from § 401.1, 401.3 and 406, 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 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. It is therefore **ORDERED** that this application (pursuant to Exhibit 23 - Plans) is hereby **GRANTED** subject to the following **CONDITIONS**:

1. The Applicant shall provide information packages to new residents that include information on Capital Bikeshare, car sharing services, and the GoDCGo and Commuter Connections programs;
2. The Applicant shall provide information boards that will be located in a common area with information on transportation options including Metrorail stations, Metrobus stops, car sharing locations, Capital Bikeshare locations, WMATA, GoDCGo, and car sharing smartphone applications;
3. The Applicant shall offer each new resident at the time of initial sale either a complimentary one-year membership to Capital Bikeshare or registration fee for Car2Go;
4. The Applicant shall provide convenient and covered bicycle storage in the cellar of the church building to accommodate a minimum of 12 bicycles, with an additional bicycle space provided in each of the four townhouse units, for a total of 16 bicycle parking spaces;
5. The Applicant shall restrict all but six units from obtaining a Residential Parking Permit ("RPP"), enforced through recordation of a covenant that runs with the land for the life of the residential use; and
6. The Applicant shall construct the project in substantial conformance with the architectural drawings presented in Exhibit 23, with flexibility to amend the final designs and details to conform with the final approval by the Historic Preservation Review Board.

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Anthony J. Hood and Jeffrey L. Hinkle to APPROVE.

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 14, 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 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.

BZA APPLICATION NO. 18724
PAGE NO. 4