

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18800 of 633 Park, Inc., pursuant to 11 DCMR § 3103.2, for variances from the lot area requirements (§ 401.3), court requirements (§ 406), rear yard requirements (§ 404.1), and nonconforming structure provisions (§ 2001.3) to allow the conversion of a church and to construct an addition into a 38-unit apartment building in an R-4 District at premises 625 Park Road, N.W (Square 3038, Lot 97).¹

HEARING DATE: July 22, 2014

DECISION DATE: July 22, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 9)

The Board provided proper and timely notice of the public hearing on this application by publication in the *DC Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 1A, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC’s report of July 18, 2014, indicated that at a regularly scheduled, duly noticed meeting held on July 17, 2014, with a quorum present, the ANC met and considered the application and voted unanimously (7 0) to support it. (Exhibits 39 and 40E.) Both the Chair of ANC 1A and Single Member District (“SMD”) 1A09 were present and participated at the hearing as well

¹ The Applicant amended the application by adding variance relief under § 404 1 (Exhibit 35) and submitted revised plans which, in response to the Office of Planning and HPRB reports, reduced the number of units to 38 units instead of the advertised 41 units, reduced the lot occupancy, and increased the front yard setback (Exhibit 40) The Board waived the regulations and allowed the late submission of the supplemental filing containing the revised plans. The caption has been revised to reflect these changes accordingly

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BZA APPLICATION NO. 18800
PAGE NO. 2

The Office of Planning (“OP”) submitted a timely report in which OP stated that it could not recommend approval of the area variance relief. (Exhibit 37) After the Applicant revised its plans (Exhibit 40A) and presented witness testimony regarding the issues raised by OP in its report, OP changed its recommendation to one of support.² The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to the application. (Exhibit 38)

Twenty-seven signed form letters from neighbors were submitted for the record. (Exhibit 35) A neighbor from across the street testified in support of the project SMD ANC 1A09 also spoke in support of the project

The Board denied a Party Status application in opposition from Judi Jones, the owner of 3536 6th Street, N.W. (Exhibit 30) Ms. Jones testified as a person in opposition at the hearing. (Exhibit 41)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under § 3103.2 from the strict application of the lot area requirements (§ 401.3), court requirements (§ 406), rear yard requirements (§ 404.1), and nonconforming structure provisions (§ 2001.3) to allow the conversion of a church and to construct an addition into a 38-unit apartment building in an R-4 District. No parties appeared at the public hearing in opposition to the 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 ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for area variances under §§ 401.3, 406, 404.1, and 2001.3, 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 requested 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 requirements 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.

² The property is occupied by a church that was designated as a historic landmark following its acquisition by the Applicant. The Historic Preservation Office (“HPO”) staff for the Historic Preservation Review Board (“HPRB”) reviewed the project for compatibility with the landmarked church property. The HPO staff report recommended that the HPRB approve the concept’s site plan, height and general massing as compatible with the character of the landmark and defer further review until the project has received zoning approvals. (Exhibit 40B)

BZA APPLICATION NO. 18800
PAGE NO. 3

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 40A.**

VOTE: **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Anthony J. Hood to APPROVE; S Kathryn Allen, 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: July 24, 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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129 7, SHALL TOLL OR 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,

BZA APPLICATION NO. 18800
PAGE NO. 4

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.