

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18870 of Jennifer Keller, pursuant to 11 DCMR § 3104.1, for a special exception to allow an accessory apartment with a one-family semi-detached dwelling under § 202.10, in the R-1-B District at premises 3203 38th Street, N.W. (Square 1920, Lot 30).

HEARING DATE: December 2, 2014
DECISION DATE: December 2, 2014

SUMMARY ORDER

SELF-CERTIFIED

The Applicant provided a form certifying the zoning relief requested in this case, pursuant to 11 DCMR § 3113.2, and signed it. (Exhibit 5.) The Applicant did not have the signature of a licensed architect or attorney, as is required by § 3113.2. Subsection 3113.2 states:

As an alternative to filing the zoning memorandum as required by the application form, applications for variances and special exceptions may be filed with the Director by architects or attorneys without the necessity of prior certification by the Zoning Administrator, provided that the architect or attorney certifies that the requirements set forth in the immediately following sentence are true and correct. Such architect or attorney shall certify to the Board that: (a) the architect or attorney is duly licensed to practice in the District of Columbia; (b) the architect or attorney currently is in good standing and otherwise entitled to practice in the District of Columbia; and (c) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application. Nothing in this subsection is intended to affect the discretion of the Director to reject an application for failure to comply with the provisions of this subsection or this title.

For the reasons cited in her letter asking for a waiver of the architectural sign-off requirement on Form 135 pursuant to § 3113.2, the Applicant requested a waiver from that requirement under § 3113.2. (Exhibit 29.) The Board of Zoning Adjustment (“Board”) granted the Applicant’s waiver request.

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”) 3C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. The ANC

submitted a report indicating that at a regularly scheduled and properly noticed meeting on November 17, 2014, at which a quorum was present, ANC 3C voted unanimously by a voice vote of the Consent Calendar to support the application. (Exhibit 28.) The Office of Planning ("OP") submitted a timely report and testified at the hearing in support of the application. (Exhibit 30.) The District of Transportation ("DDOT") filed a report expressing no objection to the application. (Exhibit 27.) A letter in support of the application was submitted by the adjacent neighbors, George W. Penny III and Mary D. Haskin. (Exhibit 32.)

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 § 3104.1, for a special exception under § 202.10. 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.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 202.10, 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 the 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. It is therefore **ORDERED** that this application is hereby **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle and Peter G. May to APPROVE; Marnique Y. Heath, 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: December 5, 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 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.