

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18875 of The Holladay Corporation, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for variance relief from the rear yard (§ 774) and loading requirements (§ 2201), and special exception approval for roof structures not meeting the single enclosure and uniform height requirements (§ 411.11) and for construction on a lot greater than 12,000 square feet (§ 1330.1(c)), to permit the construction of new residential units in the GA/C-2-A District at 713-735 Lamont Street, N.W. (Square 2893, Lots 875 and 879).

HEARING DATE: December 9, 2014

DECISION DATE: December 9, 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 of Zoning Adjustment ("Board" or "BZA") 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 located 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 report of support for the application, indicating that at a public meeting on November 12, 2014, at which a quorum of Commissioners were present, the ANC voted 9-0-0 in support of the application. (Exhibit 26.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application, (Exhibit 31), and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report, indicating that it had no objection to the application. (Exhibit 30.)

Although the Board received one letter indicating concerns regarding a portion of the application (Exhibit 33), no person or organization appeared in opposition to the application at the public

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hearing. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Variance Relief

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 the rear yard requirement of § 774 and the loading requirement of § 2201. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof 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 Zoning Regulations, and that the requested relief can be created 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.

Special Exception Relief

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, 411.11, and 1330.1 for special exception approval for the proposed roof structures and for construction on a lot greater than 12,000 square feet in area. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1, 411.11, and 1330.1, and 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 accordance with the Zoning Regulations and Map.

Inclusionary Zoning Applicability

During the hearing, the Board requested that the Applicant and OP confirm the applicability of the inclusionary zoning regulations of Title 11, Chapter 26 (“IZ”), to the Project, and memorialize their applicability in the Order. The Board hereby finds the following:

- Building A, which was described in the application but is not a subject of the application, consists of approximately eight residential multi-family dwelling units. Accordingly, under Subsection 2602.1(b), Building A does not meet the threshold requirement of 10 or more units and does not trigger IZ.
- Building B consists of approximately 76 residential multi-family dwelling units created through the conversion of an existing nonresidential building to residential use. However, the redevelopment will not increase the gross floor area of the existing building. Accordingly, under Subsection 2602.1(c)(3), Building B does not trigger IZ.

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because it does not increase the gross floor area of an existing building.

- Building C consists of approximately 141 residential multi-family dwelling units created through new construction. Pursuant to Subsection 2602.1(c)(1), Building C triggers IZ. The final affordable requirement for Building C shall be determined during the building permit review of Building C based on a review of the final plans.

Finally, the Board concludes that although Buildings A and B are located on lots that are contiguous to Building C, IZ is not triggered for Building A or Building B under Subsection 2602.1(c)(2) because Building A and Building B are not composed of new one-family dwellings, row dwellings, or flats but rather standalone residential multi-family dwellings.

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.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBITS 29A1 – 29A2.**

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen 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:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 18, 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

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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.