

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18882 of Dana and Walt Lukken, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, to allow a rear addition to an existing one-family row dwelling not meeting the lot occupancy (§ 403) and court (§ 406) requirements in the R-4 District at premises 650 Massachusetts Avenue, N E (Square 865, Lot 90)

HEARING DATE: December 16, 2014

DECISION DATE: December 16, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

This application was accompanied by a memorandum, dated September 9, 2014, from the Zoning Administrator certifying the required relief (Exhibit 8)

The Board of Zoning Adjustment (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") 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, 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 12, 2014, at which a quorum was in attendance, ANC 6C voted 6-0-0 to support the application (Exhibit 24) The Office of Planning ("OP") submitted a timely report and testified at the hearing in support of the application. (Exhibit 26) The ANC and OP indicated in their reports that there were letters of support from the Applicant's immediate neighbors, however, the letters were not filed into the record. The District Department of Transportation ("DDOT") filed a report expressing no objection to the application. (Exhibit 27.) Gary M Peterson, Chair of the Zoning Committee of the Capitol Hill Restoration Society, submitted a letter in support of the application. (Exhibit 28)

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 §§ 223, 403 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.

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

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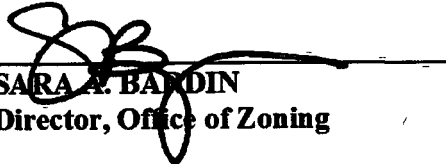
DCMR §§ 3104.1, 223, 403, and 406, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in the 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, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6.**

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller 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 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.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



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As Director of the Office of Zoning, I hereby certify and attest that on December 18, 2014, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below

Dana and Walt Lukken
650 Massachusetts Avenue, N E.
Washington, D C 20002

Claire McLane, Architect
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Chevy Chase, MD 20815

Chairperson
Advisory Neighborhood Commission 6C
P O Box 77876
Washington, D C 20013

Single Member District Commissioner 6C03
6C03@anc dc gov

Tommy Wells, Councilmember
Ward 6
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Melinda Bolling, Esq
General Counsel
Department of Consumer and Regulatory
Affairs
1100 4th Street, S.W., 5th Floor
Washington, D C 20024

ATTESTED BY:


SARA A. BABIN
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF ZONING

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WASHINGTON, D C 20001

OFFICIAL BUSINESS
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Claire McLane, Architect
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Chevy Chase, MD 20815

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