

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18962 of Jeffrey Blend, as amended,¹ pursuant to 11 DCMR § 3103.2, for variances from the rear yard requirements under § 404.1, the accessory building requirements under § 2500, and the non-conforming structure requirements under § 2001.3, to allow the addition of a sunroom to the rear of an existing one-family dwelling in the R-1-B District at premises 1211 Kalmia Road, N.W. (Square 2959, Lot 1).

HEARING DATE: May 12, 2015

DECISION DATE: May 12, 2015

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR / SELF-CERTIFICATION

The application was accompanied by a memorandum, dated March 10, 2015, from the Zoning Administrator certifying the required relief. (Exhibit 10.) Subsequently, at the hearing, based on a recommendation by the Office of Planning, the Applicant verbally amended his application to add variance relief from the nonconforming structure requirements under § 2001.3. The Board requested the Applicant file a self-certification form to reflect all the relief being requested, including the amended relief. (See Exhibit 27.)

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 the Applicant, Advisory Neighborhood Commission (“ANC”) 4A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. The ANC did not file a report or testify regarding this application. Nonetheless, the Applicant’s agent testified that she met with the ANC commissioner representing the Single Member District (“SMD”), ANC 4A02, in which the Applicant’s property is located. The agent stated that the SMD commissioner did not indicate that a presentation before the full Advisory Neighborhood Commission was needed.

¹At the hearing, based on a recommendation by the Office of Planning, the Applicant verbally amended his application to add relief from the nonconforming structures requirement under § 2001.3. Although the case was brought through a Zoning Administrator referral letter (Exhibit 10), the Board requested the Applicant file a self-certified form to reflect all the relief being requested, including the amended relief. (See Exhibit 27.) Also at the hearing, the Board requested that the Applicant submit a letter of authorization signed by the agent, to complete the original authorization letter (Exhibit 6) which omitted the agent’s signature. (Exhibit 24.) The caption has been changed to reflect the amended relief accordingly.

The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 23.) The District Department of Transportation (“DDOT”) filed a timely report expressing no objection to the approval of the application. (Exhibit 21.)

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 rear yard requirements under § 404.1, the accessory building requirements under § 2500, and the non-conforming structure requirements under § 2001.3, to allow the addition of a sunroom to the rear of an existing one-family dwelling in the R-1-B District. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3103.2, 404.1, 2500, and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship 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 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 EXHIBIT 4.**

VOTE: **4-0-1** (Lloyd J. Jordan, Michael G. Turnbull, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; one Board seat vacant).

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: May 29, 2015

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

TWOYEAR 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, 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.