

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19066 of Gabriel and Stephanie Klein, as amended,¹ pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403, and the rear yard requirements under § 404, to allow the construction of a one-room addition on top of an existing garage for use as an office in the R-4 District at premises 1100 Euclid Street N.W. (Square 2865, Lot 115).

HEARING DATES: September 22, October 6, October 20, November 24, and
December 22, 2015

DECISION DATE: December 22, 2015

SUMMARY ORDER

SELF-CERTIFIED

On June 10, 2015, the Applicant filed a request for relief, accompanied by a memorandum, dated April 14, 2015, from the Zoning Administrator (“ZA”), which stated that Board of Zoning Adjustment (“Board”) approval is required for variances pursuant to 11 DCMR §§ 3103.2, 404.1 and 403.1 for the construction of an addition with deck and conversion to a three-unit apartment building in a semi-detached structure. (Exhibit 9.)

Based on revised plans (Exhibit 68), the Applicant amended the application by submitting a self-certification form requesting a special exception under § 223, not meeting the lot occupancy requirements under § 403 and the rear yard requirements under § 404, to allow the construction of a one-room addition on top of an existing garage for use as an office. (Exhibit 52.) The Applicant testified at the public hearing on December 22, 2015 that the plan revisions were a result of discussions with neighbors. Based on these conversations, the Applicant amended the plans to propose an addition for use as an office, instead of a third dwelling unit.

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”)

¹ The Applicant’s original application included a request for variance relief from the lot occupancy requirements under § 403 and the rear yard requirements under § 404. (Exhibit 9.) The Applicant submitted revised plans (Exhibit 68) and a revised self-certification form (Exhibit 52) to amend its application and request a special exception under § 223, not meeting the lot occupancy requirements under § 403, and the rear yard requirements under § 404. The caption has been revised accordingly.

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1B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC submitted a report indicating that at its regularly scheduled and properly noticed public meeting of August 6, 2015, at which a quorum was in attendance, ANC 1B voted 9-0-0 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a report on November 17, 2015, recommending approval of the amended application, (Exhibit 73), and testified in support of the application at the hearing. Previously, OP submitted a report indicating that it could not recommend approval, based on the Applicant's initial proposal. (Exhibit 40.) The District Department of Transportation ("DDOT") submitted a report on September 10, 2015 indicating that it had no objection to the application. (Exhibit 37.)

Fifteen letters in support were submitted to the record by nearby residents. (Exhibits 11-18, 28, 29, 38, and 69-72.)

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 special exceptions from §§ 223, 403, and 404, to allow the construction of a one-room addition on top of an existing garage for use as an office in the R-4 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 and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 223, 403 and 404, 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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, 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 68.**

VOTE: 3-0-2 (Marnique Y. Heath, Marcie I. Cohen, and Jeffrey L. Hinkle to APPROVE; Frederick L. Hill not participating and 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: January 4, 2016

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.