

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19100 of 525 Longfellow St LLC, as amended, pursuant to 11 DCMR § 3103.2, for variances from the lot area and width requirements under § 401.3, and from the minimum distance to adjacent driveways requirements under § 2117.8 to allow the construction of three flats on three new record lots in the R-4 District at premises 525 Longfellow Street N.W. (Square 3206, Lot 3).¹

HEARING DATES: November 17, 2015² and January 26, 2016
DECISION DATE: January 26, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 11 – original, and 24 – revised.)

The Board of Zoning Adjustment (“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”) 4D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. ANC 4D submitted a report stating that at a properly noticed meeting on October 20, 2015, at which a quorum was present, the ANC voted 4-0 in support of the application with conditions. (Exhibit 33.) The ANC also testified at the first hearing in support of constructing the three-structure, six-unit proposal at the site as opposed to the larger two structure, four-unit alternative discussed by the Board, to keep the development more consistent with the community.³

¹ The original application was amended to include variance relief from the minimum distance to adjacent driveways requirements under § 2117.8.

² The Board scheduled the case for a limited hearing on January 26, 2016.

³ In its deliberations, the Board cited the ANC’s support of the three-structure, six-unit proposal and noted that the design would be more in character with the neighborhood than the two-structure alternative. Also, the changes to the R-4 Zoning Regulations based on Z.C. Case No. 14-11 were not contemplated until after the purchase of the property.

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Prior to the first hearing on November 17, 2015, the Office of Planning (“OP”) submitted a report dated November 10, 2015, recommending approval of the relief under § 2117.8(d), and expressing opposition to the variance from the lot area and width requirements of § 401.3 as originally proposed. OP was of the view that the property lacks practical difficulty for relief under § 401.3 because the property is currently a conforming lot and can be developed as either a single conforming lot, or as two conforming lots in terms of lot area and width. (Exhibit 30). At the November 17th hearing, and in light of OP’s preference for one or two conforming subdivided lots, rather than three, the Board scheduled a limited public hearing on January 26, 2016 to have the Applicant and OP submit additional information for the Board’s consideration. (Hearing Transcript of November 17, 2015, (“Tr.”) p. 113.) The Board requested that the Applicant submit: (1) financial information for alternative designs, (2) clearer architectural drawings, (3) plans for a four-unit alternative, and (4) follow-up on the height/number of stories for the project. (Tr. at 104-105, 109, and 110.) Also, the Board asked OP to address whether the proposal requires relief from the height requirements and whether the basement of the proposed development is considered a story. (Tr. at 109.) The Applicant’s filings were submitted on January 20, 2016. (Exhibit 37.) OP filed a supplemental report dated January 20, 2016, in which it addressed the Board’s inquiries and maintained its opposition to the § 401.3 relief, and support for the variance from § 2117.8. (Exhibit 36.)

The District Department of Transportation filed a report expressing no objection to the application as originally advertised. (Exhibit 29.)

Two letters in support of the application were filed in the record. The first letter was from a neighbor in support who resides at 521 Longfellow Street, N.W. (Exhibit 32). The second letter in support was from the Single Member District Commissioner for ANC 4D01. (Exhibit 38.)

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 §§ 401.3 and 2117.8. The only parties to the application were the Applicant and the ANC - which was in support of the application. 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 averse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 401.3 and 2117.8, the Applicant has met the burden of proving 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 the Zoning Regulations, and that the 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

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of law. It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS INCLUDED IN EXHIBIT 28, WITH THE FRONT ELEVATION (PAGE 11 OF EXHIBIT 28) AMENDED BY EXHIBIT 37, PAGE 4 – TITLED “STREET FAÇADE.”**

VOTE: 3-0-2 (Frederick L. Hill, Marnique Y. Heath, and Michael G. Turnbull to approve; Jeffrey L. Hinkle not present, not voting; 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: February 2, 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.

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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.