GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16860-A of IDS-DC. Inc., pursuant to 11 DCMR § 3129.1, for a modification of plans approved under BZA Order No. 16860, dated May 1, 2002, to allow a second story (approx. 150 sq. ft.) addition to an existing row dwelling in the R-4 District at premises 274 Kentucky Avenue, S.E. (Square 1039, Lot 81).

HEARING DATE:	April 23,2002
DECISION DATE:	April 23,2002 (Bench Decision)
DECISION ON MODIFICATION:	February 1, 2005

SUMMARY ORDER ON MODIFICATION

Preliminary matters. By order dated May 1, 2002, the Board granted a special exception from the location of parking spaces requirement under section 2116, and pursuant to 11 DCMR § 3103.2, a variance from the lot width requirements under section 401, a variance from the lot area requirements under section 401, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the off-street parking requirements under subsection 2101.1, for the construction of two single-family dwellings and 18 flats in an R-4 District at premises 1368 C Street, S.E., 264-274 Kentucky Avenue, S.E., 245-265 14th Street, S.E., and 1360-1364 C Street, S.E. (Square 1039, Lots 74 & 75).

On January 25, 2005, the Applicant submitted a motion for modification of approved plans, along with a request to waive the six-month requirement set forth in § 3129.3 of the Zoning Regulations. The Board granted the waiver, finding good cause and no prejudice to any party. The Applicant also submitted letters in support for the minor modification of approved plans from the Office of Planning (OP) and Advisory Neighborhood Commission 6B (ANC). 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 DCMR §§ 3129.1, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. No parties opposed this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Modification of Plans. The Applicant's modification plans involves the conversion of second story space originally designed as an outdoor deck having approximately 120 square feet of area. This space, located on top of a one story garage, is proposed to be converted to interior space. The new second story addition will be constructed of materials to match the current materials, with brick on the front and siding on the rear.

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The modified design is consistent with the architectural and aesthetic integrity of the house's original construction. No variance relief is required by the modification of plans.

The Board concludes that the Applicant's proposed modification of plans is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application.

Accordingly, it is therefore **ORDERED** that the motion for modification of plans, as shown on Exhibit No. 41 of the record, is **GRANTED**.

VOTE: **3-0-2** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., and Anthony J. Hood by absentee vote to approve; the third mayoral member And the NCPC member not voting, not having participated in the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, ~~FAIA~~
Director, Office of Zoning

FINAL DATE OF ORDER: February 2, 2005

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR

ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16860-A Minor Modification Order

As Director of the Office of Zoning, I hereby certify and attest that on FEB 0 2 2005 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Phinis Jones
IDS-DC, Inc.
3215 Martin Luther King, Jr. Avenue, S.E.
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Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Commissioner 6B02
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921 Pennsylvania Avenue, S.E.
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Ward Six
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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning