Form 150
(Revised 04/29/02)

Case No. 17027

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

MOTION

Notice: Click Here for Motion Form Instructions

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D.C. OFFICE OF ZONING
2005 OCT 19 PM 12:15

Applicant, Appellant, Appellee, Party, Intervener*	VS	Applicant, Appellant, Appellee, Party, Intervener*
Emergence Inc.		Board of Zoning Adjustment

Motion of:*
(state what you want the Board to do)

Emergence Inc. requests approval of a minor Modification to an Approved Plan. Application # 17027, approved July 8, 2003 allowed a special exception for a community service center in an R4 building (Exhibit A). In December 2004, the design of the rear deck stairwell changed, extending it 4.16 ft beyond the original building footprint and 12 ft along the side of the building as shown on the plat in Exhibit B (before) and Exhibit B (after), increasing the lot occupancy by 1.27%. This change does not exceed the lot occupancy requirements for an R4 building. This is a minor modification that does not change the material facts the board relied on in approving the application Emergence Inc. additionally requests a waiver of section 3129.3 of the zoning requirements which states that a request for modification of plans shall be filed with the Board not later than six months after the date of the final order approving the application.

Points and Authorities:*
(state the each and every reason why the Board should grant your motion, including relevant references to the Zoning Regulations or Map)

During construction of the rear deck stairwell in December 2004, it was noted that in order to meet the rise and run requirements for stairs on an exit route, the stairs would have to extend beyond the building and into the parking lot. It was determined that the safest design in this case was to turn the stairs along the side of the building, rather than have them terminate in the middle of the lot (Exhibit C - Photos). This change increased the lot occupancy by 1.27% from 34% to 35.27%. This is within the 40% maximum lot occupancy allowed for an R4 building noted in section 403. This change also does not violate the side yard requirement of 8 ft noted in section 405. The need for this change was not discovered until well into the renovations which began in January 2004, well after the six month deadline for plan modifications.

CERTIFICATE OF SERVICE

I hereby certify that on this* 19 day of* October I served a copy of the forgoing Motion on each entity that has requested party status; or entities that have be granted party status – on the above referenced BZA case via*

✔	First-class Mail	☐	Hand Delivery	☐	Other*	

(ATTACH A LIST OF PARTIES SERVED)

Signature:			
Print Name:*	Sylvia Robinson	Firm/Organization:*	Emergence Inc.

Address:*	738 Fairmont St. NW	City:*	Washington	State:*	DC	Zip:*	20001

* In the event an authorized agent files a motion on the behalf of the maker of the motion, a letter signed by the maker of the motion authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Maker of Motion or Authorized Agent)*

Name:*	Sylvia Robinson						
Address:*	738 Fairmont St. NW	City:*	Washington	State:*	DC	Zip:*	20001

Phone No.:*	(202)462-2285	Fax No.:	(202)462-2285	E-Mail:	sylvia@ecacollective.org

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

BOARD OF ZONING ADJUSTMENT
District of Columbia

Board of Zoning Adjustment
District of Columbia
CASE NO. 17027
EXHIBIT NO. 31

CASE NO. 17027
EXHIBIT NO. 31

Emergence Inc.
733 Euclid St. NW, Washington, DC 20001
(202) 462-2285/sylvia@ecacollective.org

October 19, 2005

Board of Zoning Adjustment
441 4th St. NW Suite 210-S
Washington, DC 20001

Ref: BZA Application 17027, Minor Modification to an Approved Plan

On behalf of Emergence Inc., I hereby certify and attest that on October 19, 2005 a copy of the motion to approve a modification to BZA Application 17027 was mailed first class to the parties who appeared in the public hearing concerning this matter and who is listed below:

Chairperson
Advisory Neighborhood Commission 1B
P.O. Box 73710
Washington, DC 20056

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol St. NE
4th Floor
Washington, DC 20002

Sincerely,

Sylvia Robinson, President
Emergence Inc.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 17027 of Emergence, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a community service center under section 334, in the R-4 District at premises 731-733 Euclid Street, N.W. (first and second floors) (Square 2884, Lot 836).

HEARING DATE: July 1, 2003
DECISION DATE: July 8, 2003

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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) 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. ANC 1B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

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 §§ 334. No persons or entities appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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 ANC and OP, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, and 334, that the requested relief can be granted, subject to the conditions set forth below, 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 § 3101.6, 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 be **GRANTED.**

VOTE: **5-0-0** (Geoffrey H. Griffis, David A. Zaidain, Ruthanne G. Miller, Curtis L. Etherly, Jr., and James H. Hannaham by proxy to grant).

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

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

FINAL DATE OF ORDER: JUL 0 8 2003

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 11-27, 2002

Plat for Building Permit of SQ-2884 LOT 836

Scale: 1 inch = 20 feet Recorded in Book A&T Page 1792

Receipt No. 1990

Furnished to: SYLVIA ROBINSON

Surveyor, D.C.

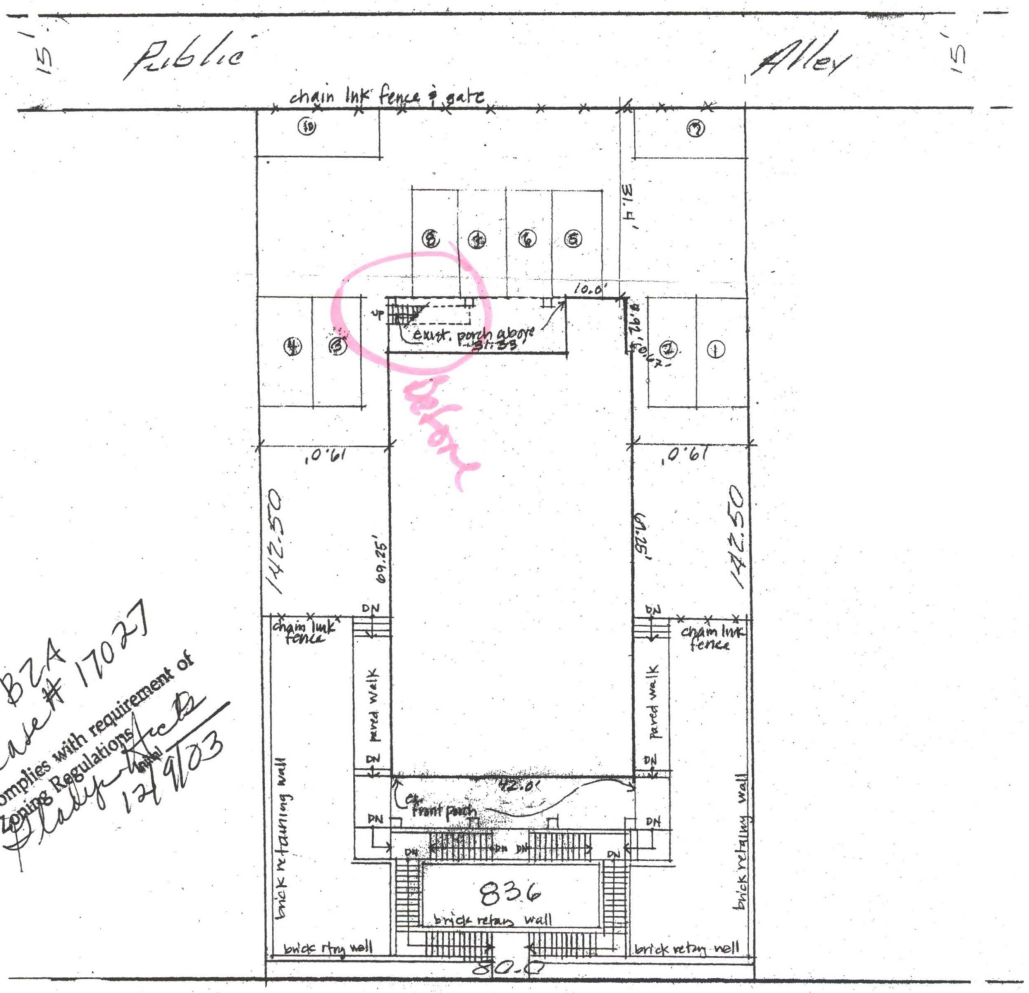
By: DA

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 12/3/03

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



BZA Case # 17027
Complies with requirement of Zoning Regulations
12/9/03

733 EUCLID STREET NW

EXHIBIT B (BEFORE)

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., August 9, 2005

Plat for Building Permit of: SQUARE 2884 LOT 836

Scale: 1 inch = 20 feet Recorded in A&T Book Page 1792

Receipt No. 21796

Furnished to: SYLVIA ROBINSON

Surveyor, D.C.

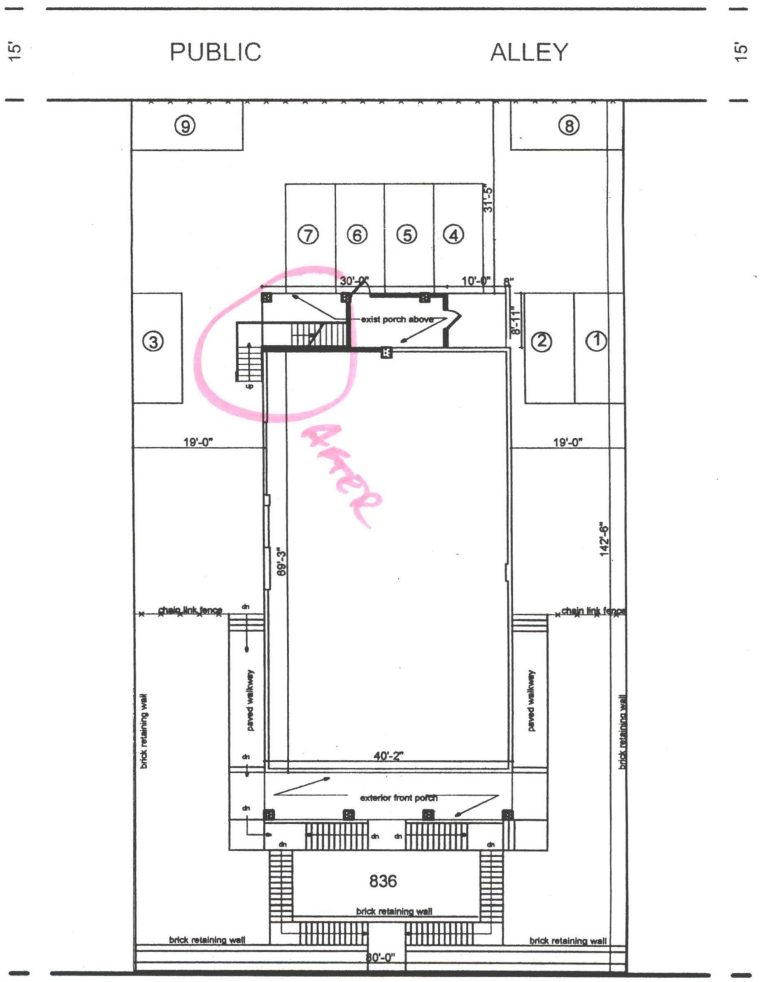
By: D.M.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. I further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 08/10/05

Meghan Walsh AIA
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



EUCLID STREET

SO-21796(2005)

EXHIBIT B (AFTER)



EXHIBIT C

