Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

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**Application No. 17027-A 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

**DISPOSITION**: (Geoffrey H. Griffis, David A. Zaidain, Ruthanne G. Miller, Curtis L. Etherly, Jr. to approve; and James H. Hannaham to approve by absentee ballot).

**DECISION ON MODIFICATION**: November 1, 2005, November 8, 2005

## MODIFICATION ORDER

By Board of Zoning Adjustment Motion Form 150, dated October 19, 2005, the Applicant submitted a request that the Board modify the approved plans in the subject application. The Applicant requested that the Board approve a minor modification to the plans (Exhibit 31) pertaining to the rear deck stairwell. The Applicant's request to modify the Order was not filed timely pursuant to § 3129.3 of the Zoning Regulations. The Board, by unanimous consent, waived the six-month time period for filing the request. Parties consist of the Office of Planning (OP) and Advisory Neighborhood Commission (ANC) 1B. Both parties were served with the request for modification pursuant to § 3129.4.

## THE MODIFICATION

The Board approved the renovation of the subject property for community center use pursuant to BZA Order No. 17027, dated July 8, 2003. The Applicant subsequently secured a building permit and proceeded with the approved renovation. During construction of the rear deck stairwell in December, 2004, it was noted that in order to meet the rise and run requirements for the stairs on the exit route, the stairs would have to extend beyond the building and into the parking lot. It was determined that the safest design given the circumstances would be to turn the stairs along the side of the building, rather than have them terminate in the middle of the lot. The modification to the stair design increased the lot occupancy by 1.27% from 34% to 35.2%. This increase is within the 40%



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maximum lot occupancy allowed for a building of this type located in the R-4 District. The modification included the removal of one parking space from the plans. This minor modification does not affect the width of the required side yard. The Applicant proffered that the need for the aforementioned modification was not discovered until well into the renovations, which began in January 2004.

## DECISION

The Board concludes that the requested modification to the plans is minor and is within the requirements of §3129. Additionally, the requested modification does not change the material facts the Board relied upon in approving the original application. The Board noted that one of the parking spaces shown on the previously approved plans was removed. The Board found that the removal of the parking space did not affect the modification request. After reviewing the request for modification and the supporting materials, the Board has determined that the request should be granted.

Accordingly, it is therefore hereby **ORDERED** that the request to waive the six-month time period for filing the request and the motion for minor modification of plans, as shown on Exhibit No. 31 of the record are **GRANTED**.

**DATE OF DECISION:** November 8, 2005

**VOTE:** **3-0-2** (Geoffrey H. Griffis, Curtis L. Etherly, Jr. and Ruthanne G. Miller to approve; the Zoning Commission member and the NCPC member not voting, not having heard the original application.

**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:** NOV 0 8 2005

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

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BOARD OF ZONING ADJUSTMENT

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**BZA APPLICATION NO. 17027-A MODIFICATION ORDER**

As Director of the Office of Zoning, I hereby certify and attest that on NOV 0 8 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:

Sylvia Robinson
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rsn

**ATTESTED BY:**

**JERRILY R. KRESS, FAIA**
**Director, Office of Zoning**