GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17125-A of Krister and Carol Holladay pursuant to 11 DCMR § 3103.2 for a variance from the lot occupancy requirements under section 403, to allow the construction of a one story rear addition to a single-family row dwelling in the CAP/R-4 District at premises 507 Independence Avenue, S.E. (Square 843, Lot 20).

HEARING DATE: March 16, 2004
DECISION DATE: March 16, 2004 (Bench Decision)
MODIFICATION DECISION DATE: October 17, 2006

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17125
EXHIBIT NO. 33

MODIFICATION ORDER

BACKGROUND

This application was submitted on December 23, 2003 by Meghan Walsh, AIA agent on behalf of the owners of the property that is the subject of the application, Krister and Carol Holladay (collectively, "Applicants"). The self-certified application requested a variance to the lot occupancy requirements to allow the construction of a one-story rear addition to a single-family row dwelling at 507 Independence Avenue, S.E. Following a hearing on March 16, 2004, the Board voted 4-1-0 to approve the application.

THE WAIVER REQUEST

As part of its filing, the Applicant requested a waiver from the two-year limitation for filing requests for modification of plans with the Board, as set forth in §3129.3 of the Zoning Regulations. The Board granted the waiver of the filing requirement to consider the requested modification, finding good cause and no prejudice to any party. The OP and ANC did not submit any comments to the Board on the modification and waiver requests.

REQUEST FOR MINOR MODIFICATION OF PLANS

On September 28, 2006, the Applicant submitted a request for a minor modification of plans pursuant to §3129, and a waiver of the six (6) month time limit requirements for filing a request for modification of plans. The Applicant served the Office of Planning (OP) and Advisory Neighborhood Commission (ANC) 6B with the request for modification. The Applicant proposed modifications involves the following as shown on the proposed plans (Exhibit No. 32):

Board of Zoning Adjustment
District of Columbia
CASE NO. 17125
EXHIBIT NO. 33

1) Increasing the height of a proposed crawl space to be the same height as the existing main basement. 2) Change the first floor kitchen layout to accommodate a half bath. 3) Extend out the second floor back bathroom and bedroom filing in the leftover second floor space. The proposed modifications do not change the originally approved footprint (lot coverage) of the building.

DECISION

The Board concludes that the requested modification is minor and is within the requirements of §3129, as "minor modifications] that do not change the material facts the Board relied upon in approving the application." After reviewing the request for modification and the supporting materials, the Board determined that the request should be granted.

Accordingly, it is therefore hereby **ORDERED** that the motion for waiver of the rules to consider the request is granted and that the motion for modification of plans as shown in Exhibit 32 of the record is **GRANTED.** This order also waives § 3130.1, and extends the validity period of Order No. 17125, as modified, by six (6) months, from the date of issuance of this order No. 17125-A.

DATE OF DECISION: October 17, 2006

VOTE: **4-1-0** (Geoffrey H. Griffis, John A. Mann II, Curtis L. Etherly, Jr., and Ruthanne G. Miller voting to approve the modification of plans and waiver of the time limit. Carol J. Mitten voting to deny the modification of plans and waiver of the time limit).

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: OCT 18 2006

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.

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