GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17134-A of V. Jerome Walker, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a two story rear enclosed porch addition to a single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), rear yard (section 404) and open court requirements (section 406) in the R-4 District at premises 163 Adams Street, N.W. (Square 3125, Lot 15).

HEARING DATE: March 23, 2004
DECISION DATE: March 23, 2004 (Bench Decision)
MODIFICATION DECISION DATE: April 5, 2005

DISPOSITION: By Order No. 17134, dated March 24, 2004, the Board granted Application No. 17134 by a vote of 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, Anthony J. Hood and John A. Mann II, Curtis L. Etherly, Jr. not present not voting).

MODIFICATION ORDER

By Motion Form 150, received by the Office of Zoning on March 28, 2005, the Applicant submitted a request that the Board approve a minor modification to the approved plans in the subject application. The motion was served by the Applicant on the Office of Planning and Advisory Neighborhood Commission 5C, the parties involved in the application. The Applicant requested that the Board grant an approximately 30 inch reduction in the approved plan's rear yard depth. The modification will allow a change in the size of the rear porch from 7 ft.- 4 inches by 14 ft. to 10 ft. by 16 ft. (See Scope of Work – Exhibit 33).

THE WAIVER REQUEST

As part of its filing, the Applicant requested a waiver from the six month limitation for filing requests for modification of plans with the Board, as set forth in §3129.3 of the Zoning Regulations. The six month period for seeking a modification is out of consonance with the two year period provided in §3130 for filing an application for a building permit. The Board granted the waiver of the six month filing requirement to consider the requested modification, finding good cause and no prejudice to any party.

BZA
CASE No. 17134
EXHIBIT No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 17134
EXHIBIT NO. 39

THE MODIFICATION

In Order No. 17134, the Board of Zoning Adjustment (Board) granted a special exception allowing the construction of a two story rear enclosed porch addition to a single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), rear yard (section 404) and open court requirements (section 406). Based on this approval the Applicant applied for and was subsequently issued a building permit from the Department of Consumer and Regulatory Affairs. Construction of the porch addition commenced. Well into the construction it was discovered that the actual rear yard depth is approximately 30 inches less than approved by the Board.

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 in Exhibit 33 (noted in the scope of work) of the record is **GRANTED**.

DATE OF DECISION: April 5, 2005

VOTE: **3-0-2** (Geoffrey H. Griffis, John A. Mann II, and Ruthanne G. Miller to approve, Curtis L. Etherly, Jr. and the Zoning Commission member not present, not voting)

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: APR 0 7 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

BZA APPLICATION NO. 17134-A

As Director of the Office of Zoning, I hereby certify and attest that on APR 0 7 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:

V. Jerome Walker
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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning