GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17162 of Jim and Mary Bennett, pursuant to 11 DCMR § 3104.1, for a special exception to renovate an existing accessory carriage house under section 223, not meeting the nonconforming structure requirements (subsection 2001.3), in the R-3 District at premises 1557 33rd Street, N.W. (Square 1272, Lot 872).

HEARING DATE: May 25, 2004
DECISION DATE: May 25, 2004 (Bench Decision)

DISMISSAL ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E submitted a report that addressed a neighboring property owner's concerns with the application. The ANC report noted that "We appreciate the refurbishment of the structure and encourage the project's completion". The Office of Planning (OP) submitted a report in support of the application. The OP report noted that it "believes the magnitude of this alteration should be permitted as a matter-of-right as permitted under § 2001.2".

Section 2001.2 of the Zoning Regulations permits "ordinary repairs, alterations, and modernizations to the structure, including structural alterations," as a matter-of-right. Therefore, such repairs, alterations, and modernizations do not trigger the need for zoning relief.

The applicants plan to repair, alter, and modernize an existing dilapidated 2-story carriage house on their property. The building will house a wine cellar, a library, and a full bath, all permitted accessory uses to a single-family dwelling. The applicants are not increasing the lot occupancy or the gross floor area of the building. They are increasing the height by approximately 1 foot, 5 inches, but

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this increase is necessitated by, and is part of, the modernization of the building. The Board finds that the applicant's plans fall within § 2001.2. The Board therefore concludes that no zoning relief is necessary and respectfully disagrees with the determination of the Zoning Administrator to the contrary. Accordingly, this application should be dismissed.

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 **DISMISSED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, Gregory Jeffries and John A. Mann II, to dismiss the 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: JUN 0 4 2004

UNDER 11 DCMR 3125.9, "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."RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 17162

As Director of the Office of Zoning, I hereby certify and attest that on JUN 0 4 2004 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:

Stephen N. Gell, Esq.
1101 30th Street, N.W.
5th Floor
Washington, D.C. 20007

Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Commissioner 2E02
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
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Jack Evans, City Councilmember
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1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
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Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning