GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17306-A of Hannah Reisman, pursuant to 11 DCMR §§ 1202 and 3104.1, for a special exception under section 223, to allow an addition to an existing single-family dwelling, not meeting the rear yard requirements (section 404), in the CAP/R-4 District at premises 227 C Street, S.E. (Square 763, Lot 24).

HEARING DATE:	April 19, 2005
DECISION DATE:	April 19, 2005 (Bench Decision)
DECISION DATE ON MODIFICATION:	September 13, 2005

MODIFICATION OF APPROVED PLANS
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) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. The Office of Planning (OP) submitted a report in conditional support of the application. The Architect of the Capitol submitted a letter stating in part that the application would create no adverse effect on the Capitol Complex.

REQUEST FOR MINOR MODIFICATION OF PLANS

The above-captioned application was approved by the Board of Zoning Adjustment (Board) by Order No. 17306, dated April 19, 2005. On June 2, 2005, the applicant filed a motion (Exhibit 31) with the Board requesting to make a minor modification to the approved plans. The modification involves a request to remove a skylight and recessed stairs from the approved plans. The applicant submitted revised plans shown as Exhibit 31, in the record. A modification of approved plans is allowed with Board approval under the provisions of section 3129 of the Zoning Regulations. By memorandum (Exhibit 32) dated June 3, 2005, the Office of Zoning noticed the Office of Planning and Advisory

BZA
CASE No. 17306-A
EXHIBIT No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17306
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Neighborhood Commission 6B, the parties, about the applicant's request, further noting that the Board's consideration of the applicant's motion would be discussed at the Board's September 13, 2005, public meeting.

Advisory Neighborhood Commission 6B submitted a letter (Exhibit 33) dated June 28, 2005, to the Board stating,"....regarding the motion of Hannah Reisman to make a minor modification to her approved plans (April 19, 2005), we have reviewed the proposed changes and have judged them to be so minor as to not warrant a formal review by the ANC." The OP did not comment on the request for minor modification.

The Board concludes that the requested modification of plans was timely filed pursuant to subsection 3129.3, is minor in nature and does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 DCMR § 3101.6 and 3129.1, 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 the **MODIFICATION** of **APPROVED PLANS be GRANTED subject to the revised plans (Exhibit No. 31) in the record.**

VOTE: **4-0-1** (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, and Gregory Jeffries to approve by absentee vote, Curtis L. Etherly, Jr. not hearing the case, 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: SEP 15 2005

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."

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

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 17306-A

As Director of the Office of Zoning, I hereby certify and attest that on SEP 15 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:

Robert Nicols
Nicols Design Associates, Inc.
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Washington, D.C. 20008

Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Commissioner 6B01
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921 Pennsylvania Avenue, S.E.
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Sharon Ambrose, City Councilmember
Ward Six
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Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
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Office of Attorney the General
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning