

Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT



Application No. 17319-A of William McKeever, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing single-family row dwelling under section 223, not meeting the side yard (section 405) and court (section 406) requirements in the DC/R-5-B District at premises 1723 Riggs Place, N.W. (Square 153, Lot 104).

HEARING DATE: May 10, 2005
DECISION DATE: June 7, 2005
MODIFICATION DECISION DATE: June 6, 2006

SUMMARY ORDER ON MODIFICATION

Background. By order dated February 1, 2006, the Board granted a special exception to allow a rear addition to an existing single-family row dwelling under section 223, not meeting the court (section 406) requirement in the DC/R-5-B District at premises 1723 Riggs Place, N.W. (Square 153, Lot 104).

On March 31, 2006, the Applicant submitted a motion for modification of approved plans with the Office of Zoning. Copies of the motion for minor modification of plans were also submitted to the Office of Planning (OP), Advisory Neighborhood Commission 2B, and a group of neighbors represented by Volker Zinser who were parties in the previous application. The OP did not submit a report on the requested modification. ANC 2B submitted a letter taking no position on the modification request.

Modification of Plans. The plans approved under BZA Order No. 17319, showed a 23.94 square foot kitchen extension (the approved structure being 5.7 feet wide by 4.2 feet in depth). The Applicant's modification involves extending the depth of the structure by an extra two feet in an area that is 4.2 feet wide: an additional 8.4 square feet. This modification increases the total size of the project to 32.34 square feet. This increased depth would reduce the 14x4.2' space remaining in the dog leg or court to 12x4.2'. The modification will not cause the overall lot occupancy to exceed the 70 percent permitted under section 223. Further, the floor area ratio (FAR) will not be exceeded. No variance relief is required by the modification of plans. The minor modification will add only 8.4 square feet, making it possible for better furniture placement and enjoyment of the addition that was not possible in the original plan.

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Based upon the record before the Board and having given great weight to the ANC report the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3129.1, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. No parties opposed this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant's proposed modification of plans is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application.

Accordingly, it is therefore **ORDERED** that the application is **GRANTED**.

VOTE on Original Application (June 7, 2005): 4-1-0

(Geoffrey H. Griffis, Curtis L. Etherly, Jr., John A. Mann II and Kevin Hildebrand (by absentee vote) to approve; Ruthanne G. Miller opposed).

VOTE on Minor Modification of Plans (June 6, 2006): 3-0-2

(Geoffrey H. Griffis, John A. Mann II and John G. Parsons (by absentee vote), Ruthanne G. Miller abstaining and no Zoning Commission member participating).

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: JUN 08 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.