

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 20769
District Properties.com, Inc
4533 Douglas Street, N.E. (Square 5115, Lot 15)

HEARING DATES: July 20, 2022, January 24, June 5, July 24, and October 30, 2024¹
DECISION DATE: October 30, 2024

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a new two-story detached principal dwelling unit in the R-1B (formerly R-1-B) zone:

- Special Exception under the 100-year flood plain regulations of Subtitle C § 1102.4(a) (detached principal dwelling), pursuant to Subtitle X § 901.2
- Special Exception from the side yard requirements of Subtitle D § 208.2, pursuant to Subtitle D § 5201 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 64 (amended); Exhibit 26 (2nd revision); Exhibit 20 (1st revision) Exhibit 4 (original).)² ³

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 7D, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

¹ The application was originally scheduled for hearing on July 20, 2022, but was postponed multiple times at the Applicant's request, and one time at the request of ANC 7D.

² The application was amended to withdraw the request for an area variance from the minimum lot width requirements of Subtitle D § 202.1 (incorrectly cited as § 302 on Exhibit 26); and to add a request for special exception relief under Subtitle C § 1102.4, the 100-year flood plain regulations.

³ Effective August 25, 2023, the Zoning Commission approved text amendments that established new zone district names and reorganized the zoning regulations. (See Zoning Commission Orders 18-16 and 19-27.) While the original application was filed prior to August 2023 and included the then-current zoning provisions, this order reflects the new changes that were in effect at the time of the Board's vote at the conclusion of the public hearing.

BZA ORDER NO. 20769

PAGE NO. 2

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's original report indicated that at a regularly scheduled, properly noticed public meeting on May 14, 2024, at which a quorum was present, the ANC voted to send a letter of acknowledgement of the application to the Board, but did not provide a recommendation on the project. (Exhibit 68.)

The ANC's supplemental report indicated that at a regularly scheduled, properly noticed public meeting on October 8, 2024, at which a quorum was present, the ANC voted to support the application. (Exhibit 90.) The ANC report raised no issues or concerns.

At the July 24, 2024 Public Hearing, SMD 7D-08 Commissioner Brian Alcorn testified on behalf of the ANC.

OFFICE OF PLANNING ("OP") REPORT. OP submitted three reports to the record. OP submitted an original report, dated May 28, 2024, recommending approval of the side yard relief, but unable to make a recommendation on the flood plain relief. (Exhibit 60; Exhibit 67 (duplicate).)

On June 3, 2024, OP submitted a supplemental report recommending approval of both areas of relief in the application. (Exhibit 69.)

On July 11, 2024, OP submitted a 2nd supplemental report continuing to recommend approval of the application. (Exhibit 78.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 34.)

DISTRICT DEPARTMENT OF ENERGY AND ENVIRONMENT ("DOEE") REPORT. DOEE submitted a report indicating that upon preliminary review, the project meets the requirements. (Exhibit 74.)

HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY ("HSEMA") REPORT. HSEMA submitted a report indicating that it has no issue with the proposed use of the structure. (Exhibit 77.)

PERSONS IN OPPOSITION. The Board received two letters from neighbors in opposition to the application. (Exhibits 38, 41.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute

BZA ORDER NO. 20769

PAGE NO. 3

binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under the 100-year flood plain regulations of Subtitle C § 1102.4(a) (detached principal dwelling), pursuant to Subtitle X § 901.2
- Special Exception from the side yard requirements of Subtitle D § 208.2, pursuant to Subtitle D § 5201 and Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 63 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: 5-0-0 (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Robert E. Miller to APPROVE)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 13, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION

BZA ORDER NO. 20769

PAGE NO. 4

APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.