

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 20872-A
The New Macedonia Baptist Church
2026 Jackson Street, NE (Square 4220, Lot 802)

HEARING DATE (20872):	May 3, 2023
DECISION DATE (20872):	May 3, 2023
ORDER ISSUANCE DATE (20872):	May 9, 2023
DECISION DATE (20872-A):	July 26, 2023

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION OF CONSEQUENCE**

Pursuant to notice, at its July 26, 2023, public meeting, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for modification of consequence to BZA Order No. 20872 to increase the number of units from 31 to 35 for a new, detached, four story, with cellar, penthouse, and roof deck, mixed use building in the MU-4 zone. The Board considered the request for modification of consequence under Subtitle Y § 703 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 20872, the Board approved the request by The New Macedonia Baptist Church (the “**Applicant**”) for special exception relief from the rear yard requirements and variance relief from the restriction of placing no windows within 40 feet facing an adjacent building. The Board issued Order No. 20872 on May 9, 2023. (Exhibit 6 of the record for Case No. 20872-A.) The approval was subject to one condition:

1. The cellar-level and first floor windows subject to the area variance relief shall each have permanent glazing on 50% of the window surface.

PROPOSED MODIFICATION. On June 12, 2023, the Applicant submitted a request for modification of consequence to Order No. 20872. (Exhibits 1-8.) The Applicant proposed to modify the approved plans to increase the number of residential units from 31 to 35. The Applicant submitted revised plans reflecting these modifications. (Exhibit 11A.)

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Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.17

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NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y §§ 703.8-703.9, the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 9.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5B.

ANC REPORT. The ANC did not submit a report to the record.

The Board received a joint letter in support of the modification application from ANC 5B06 Commissioner Prita Piekara and ANC 5C07 Commissioner VJ Kapur. (Exhibit 16.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 12).

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

PERSONS IN SUPPORT. The Board received three letters from neighbors in support of the modification application. (Exhibits 13-15.)

CONCLUSIONS

The Board determines that the Applicant's request complies with Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

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

DECISION

It is therefore **ORDERED** that this application for a modification of consequence of BZA Order No. 20872 is hereby **APPROVED** consistent with the plans shown in Exhibit 11A of the record for Case No. 20872-A, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITION**, which is unchanged from BZA Order No. 20872.

1. The cellar-level and first floor windows subject to the area variance relief shall each have permanent glazing on 50% of the window surface.

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In all other respects, Order No. 20872 remains unchanged.

VOTE: 3-0-2 (Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE;
Frederick L. Hill not present, not participating; one Board seat vacant)

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: August 1, 2023

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.