

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 20949-A
George R. Rice and Elizabeth A. Gaines, Trustees
57 W Street, NW (Square 3123, Lot 86)**

DECISION DATE (20949):	September 20, 2023
ORDER ISSUANCE DATE (20949):	September 26, 2023
DECISION DATE (20949-A):	January 29, 2025

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITHOUT HEARING**

Pursuant to notice, at its January 29, 2025, public meeting, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification without hearing to BZA Order No. 20949 to construct a second-story addition to a previously approved one-story accessory structure (garage) in the rear yard of a two-story with basement, principal dwelling unit in the RF-1 zone. The Board considered the request for a modification without hearing 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. 20949, the Board approved the request by George Rice and Elizabeth Gaines (the “**Applicant**”) for special exception relief from the lot occupancy requirements of Subtitle E § 210.1 to raze an existing accessory garage, and to construct a new, one-story, accessory garage, in the rear yard of an existing, two-story with basement, principal dwelling unit. The Board issued Order No. 20949 on September 26, 2023. (Exhibit 4 of the record for Case No. 20949-A.)

PROPOSED MODIFICATION. On November 19, 2024, the Applicant submitted a request for a modification without hearing to Order No. 20949. (Exhibits 1-12.) The modification included constructing a second-story addition to the previously approved one-story accessory structure. The Applicant submitted revised plans reflecting these modifications. (Exhibit 3.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y §§ 703.10-703.11, the Applicant provided proper and timely notice of the request for a modification without hearing. (Exhibit 8.)

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Board of Zoning Adjustment
District of Columbia
CASE NO.20949A
EXHIBIT NO.17

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

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 21, 2025, at which a quorum was present, the ANC voted to support the modification. (Exhibit 16.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 15).

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

CONCLUSIONS

The Board determines that the Applicant's request complies with Subtitle Y § 703.7, which defines a modification without hearing 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 without hearing, the Applicant has met its burden of proof under Subtitle Y § 703.7.

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

Based on the case record, the Board concludes that the applicant has satisfied the burden of proof for a modification without hearing to construct a second-story addition to a previously approved one-story accessory structure in the rear yard of a two-story with basement, principal dwelling unit in the RF-1 zone.

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibit 3 of the record.

In all other respects, Order No. 20949-A remains unchanged.

VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; Lorna L. John not present, not participating)

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

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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: February 3, 2025

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 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

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ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED.
VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.