

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



**BZA Application No. 21051-A
1840 Kalorama, LLC
1836-1840 Kalorama Road, NW (Square 2553, Lot 826)**

HEARING DATE (21051):	February 14, 2024
DECISION DATE (21051):	February 14, 2024
ORDER ISSUANCE DATE (21051):	February 23, 2024
HEARING DATE (21051-A):	July 3, 2024
DECISION DATE (21051-A):	July 3, 2024

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

Pursuant to notice, at its July 3, 2024, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for modification of significance to BZA Order No. 21051 to construct a rear addition and penthouse and to convert to an 11-unit apartment house, an existing attached four-story building in the RA-2 zone. The Board considered the request for modification of significance under Subtitle Y § 704 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. 21051, the Board approved the request by P.T. Blooms, LLC¹ (the “**Applicant**”) for special exceptions from the screening requirements for surface parking of Subtitle C § 714.2, pursuant to Subtitle C § 714.3 and Subtitle X § 901.2 and from the lot occupancy requirements of Subtitle F § 210.1, pursuant to Subtitle F § 5201 and Subtitle X § 901.2. The Board issued Order No. 21051 on February 23, 2024. (Exhibit 8 of the record for Case No. 21051-A.)

PROPOSED MODIFICATION. On April 4, 2024, the Applicant submitted a request for a modification of significance to Order No. 21051. (Exhibits 1-11.) During permitting for the proposed project, it was determined that the penthouse enclosing wall was not of uniform height, therefore requiring additional special exception relief.

¹ The original Applicant name changed prior to the filing of the modification application.

BZA ORDER NO. 21051-A
PAGE NO. 2

Based on the proposed modifications, the Applicant requests:

- Special Exception from the penthouse enclosing wall requirement of Subtitle 1503.4, pursuant to Subtitle C 1506 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 2.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of significance on the parties to the original application. (Exhibit 9.) 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.

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 1C.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 3, 2024, at which a quorum was present, the ANC voted to support the modification. (Exhibit 12.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 16.)

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

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence² requires a public hearing and is a modification of significance. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception and modification of significance.

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.

² See, Subtitle Y §§ 703.3 and 703.4.

DECISION

It is therefore **ORDERED** that this application for a modification of significance of BZA Order No. 21051 is hereby **APPROVED** consistent with the previously approved plans shown in Exhibit 4 of the record, as required under Subtitle Y §§ 604.9 and 604.10, to:

- Grant special exception relief from the penthouse enclosing wall requirement of Subtitle 1503.4, pursuant to Subtitle C 1506 and Subtitle X § 901.2

In all other respects, Order No. 21051 remains unchanged.

VOTE: 5-0-0 (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Joseph S. Imamura 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: July 10, 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.