

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



**BZA Application No. 21133  
Arel Properties, LLC  
1119 48th Place, N.E. (Square 5158, Lot 10)**

**HEARING DATES:** June 26, 2024 and July 17, 2024  
**DECISION DATE:** July 17, 2024

**SUMMARY ORDER**

**RELIEF REQUESTED.** The application requests the following relief in order to construct a new three-story semi-detached principal dwelling in the R-2 zone:

- Special Exception from the side yard requirements of Subtitle D § 208.3, pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2
- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 12.)

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 7C, 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).

**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 report, dated June 25, 2024, indicated that at a regularly scheduled, properly noticed public meeting on June 13, 2024, at which a quorum was present, the ANC voted to support the application contingent upon the Applicant presenting their development plans to, and seeking approval of, the Deanwood Citizens Association (DCA). The report stated that the Applicant made a presentation and received approval from the Deanwood Citizens Association; therefore ANC 7C supports the application. (Exhibit 23.) After the Board's public hearing on June 26, 2024, the Board requested that the participants discuss the matter raised at the hearing

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involving a tree on the Applicant's property being moved to the neighbors' property, with an opportunity for the ANC to respond.

The ANC's response letter, dated July 15, 2024, indicated that the Applicant and neighbors met and agreed on the handling of the tree, and in light of this agreement, ANC 7C supports the application. (Exhibit 34). The ANC letter raised no other issues or concerns. ANC 7C Chairman and 7C-07 Single Member District Commissioner Antawan Holmes testified at the Board's June 26, 2024 public hearing in support of the application.

The Board notes that the Applicant has agreed to pay to relocate the tree from the subject property to the property of neighbors Greg Davis and Trenna Campbell.

**OFFICE OF PLANNING ("OP") REPORT.** OP submitted a report recommending approval of the application. (Exhibit 22.)

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

**PERSONS IN SUPPORT.** The Board received two letters from neighbors in support of the application (Exhibits 20 and 21) and one letter in support from the Deanwood Citizens Association (Exhibit 25.)

**PERSONS IN OPPOSITION.** At the June 26, 2024 public hearing, neighbors Greg Davis and Trenna Campbell testified in opposition to the application.

**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 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:

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- Special Exception from the side yard requirements of Subtitle D § 208.3, pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2
- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2


Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 8 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

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

**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 29, 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 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

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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.