

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



**BZA Application No. 21176  
Natalia Banulescu-Bogdan  
6629 Piney Branch Road, N.W. (Square 2972, Lot 17)**

**HEARING DATE:** March 19, 2025  
**DECISION DATES:** September 11, 2024, March 19, 2025<sup>1</sup>

**SUMMARY ORDER**

**RELIEF REQUESTED.** The application requests the following relief in order to construct a two-story rear addition and a first-floor rear deck addition, to an existing, detached, two-story with basement, principal dwelling unit in the R-1B zone:

- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (25 feet minimum required; 13 feet, 2½ inches existing; 12 feet, 2½ inches proposed)
- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (40% maximum permitted; 38% existing; 41% proposed)

The zoning relief requested in this case was self-certified. (Exhibit 40A (Final Revised).)<sup>2</sup>

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4B, 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.

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<sup>1</sup> The application was initially placed on the Board's September 11, 2024 consent calendar as an Expedited Review case. The application was removed from the consent calendar and scheduled for a hearing on December 18, 2024 to allow the Applicant time to work with the Public Space Committee and OP. The December 18, 2024 and February 12, 2025 hearings were postponed at the request of the Applicant.

<sup>2</sup> The notes and computations page was updated to reflect changes in the plans from the previous version of the Form 135. (Exhibits 5 and 19.)

**ANC REPORT.** The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 24, 2024, at which a quorum was present, the ANC voted to support the application. (Exhibit 23.) The ANC report raised no issues or concerns.

**OFFICE OF PLANNING ("OP") REPORT.** OP submitted two reports to the record:

- The original OP report, dated August 30, 2024, noted the Applicant's encroachment into public space and the need for approval from the Public Space Committee prior to OP submitting a zoning analysis of the relief. OP was unable to make a recommendation at that time. (Exhibit 27.)
- The supplemental OP report, dated March 7, 2025, recommended approval of the application. (Exhibit 39.)

**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 28.) DDOT's approval was conditioned on the Public Space Committee approving all elements of the project in the building restriction line. The Board did not adopt the proposed condition as part of this order, and the public space matter has been resolved by the Applicant.

### **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:

- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (25 feet minimum required; 13 feet, 2½ inches existing; 12 feet, 2½ inches proposed)

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- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (40% maximum permitted; 38% existing; 41% proposed)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 38 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

**VOTE: 5-0-0** (Frederick L. Hill, Carl H. Blake, Lorna L. John, 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:** March 26, 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

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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.