

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21239
John Hayman
3220 Brothers Place, SE (Square 5990, Lot 12)

HEARING DATES: February 5 and February 26, 2025
DECISION DATES: March 12 and April 2, 2025¹

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a two-story plus cellar rear addition to an existing, detached, two-story plus cellar, principal dwelling unit in the R-2 zone:

- Special Exception from the side yard requirements of Subtitle D § 208.7, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*5 feet minimum required; 0 feet existing; 0 feet 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; 40% existing; 49% proposed*)

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibits 15 and 47.)²

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8C, 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.

¹ At the March 12 Public Meeting, the Board granted the ANC SMD 8C04 Commissioner's request to postpone the decision to April 2.

² The notes and computations page of the ZA memo had not been originally provided with the memo cover letter and was subsequently submitted in Exhibit 47. This exhibit superseded the self-certification form that had been provided by the Applicant in Exhibit 19.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 8, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 33.) The ANC report raised no issues or concerns.

The ANC Chair Salim Adofo submitted a letter reiterating the ANC's support on March 19, 2025. (Exhibit 67A.)

ANC SMD 8C06 Commissioner Robbie Woodland submitted a letter in support of the application. (Exhibit 63.) Commissioner Woodland testified in support of the application at the February 5 Public Hearing.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a supplemental report recommending approval of the application based on the notes and computations from the Zoning Administrator memorandum in Exhibit 47. (Exhibit 59.)

OP's original report recommended approval of the application. (Exhibit 32.)

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

PERSONS IN SUPPORT. The Board received a letter and a petition from neighbors in support of the application. (Exhibits 38, 63.)

Jeffrey McCoy testified in support of the application at the February 5 Public Hearing.

PERSONS IN OPPOSITION. The Board received eight letters from neighbors in opposition to the application. (Exhibits 34, 35A, 36, 37, 39, 39A, 40, 54, 55.)

Louis Jarvis and Lenwood Johnson testified in opposition to the application at the February 5 Public Hearing. Calito Keith and Shirley Harper testified in opposition to the application at the February 5 and February 26 Public Hearings.

UNDECLARED PERSONS. Darryl Love, Broderick Morgan, and Sarah Morgan testified at the February 5 Public Hearing neither in support nor 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:

- Special Exception from the side yard requirements of Subtitle D § 208.7, pursuant to Subtitle D § 5201 and Subtitle X § 901.2 (*5 feet minimum required; 0 feet existing; 0 feet 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; 40% existing; 49% proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 5 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Robert E. Miller to APPROVE; 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:


SARAH A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: April 8, 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 ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.