

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA Application No. 20970
The Washington Ballet
3515 Wisconsin Avenue, N.W. (Square 1911, Lot 20)

HEARING DATES: November 1¹ and December 6, 2023

DECISION DATE: December 6, 2023

SUMMARY ORDER

RELIEF REQUESTED.² The application requests the following relief in order to enlarge an existing building for a private school use in the RA-1 zone:

- Special Exception under Subtitle U § 203.1(m), to expand an existing private school use, with modification of previously adopted conditions, pursuant to Subtitle X § 901.2
- Area variance from the floor area ratio requirements of Subtitle F § 302.1, pursuant to Subtitle X § 1002
- Area variance from the lot occupancy requirements of Subtitle F § 304.1, pursuant to Subtitle X § 1002

The zoning relief requested in this case was self-certified. (Exhibit 3)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3A, 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 The Board granted the ANC's motion to postpone the public hearing from November 1, 2023 to December 6, 2023.

² Effective August 25, 2023, the Zoning Commission approved text amendments that established new zone district names and reorganized the zoning regulations. (See Zoning Commission Orders 18-16 and 19-27.) While the original application was filed prior to August 2023 and included the old zoning provisions, this order reflects the new changes that were in effect at the time of the Board's vote.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 14, 2023, at which a quorum was present, the ANC voted to support the application. (Exhibit 31.) The ANC report raised no issues or concerns with approval of the application.

OFFICE OF PLANNING (“OP”) REPORT. OP submitted a report recommending approval of the application, with conditions. (See Exhibit 30.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report recommending approval of the application, with conditions. (See Exhibit 29.)

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 and therefore APPROVES the application, pursuant to Subtitle X 901.2 for:

- Special Exception under Subtitle U § 203.1(m), to expand an existing private school use, with modification of previously adopted conditions, pursuant to Subtitle X § 901.2
- Area variance from the floor area ratio requirements of Subtitle F § 302.1, pursuant to Subtitle X § 1002
- Area variance from the lot occupancy requirements of Subtitle F § 304.1, pursuant to Subtitle X § 1002

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, subject to the following **CONDITIONS**:

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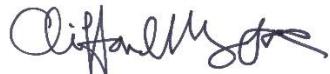
1. The Applicant shall take measures to protect, maintain and expand the property's existing landscaping, as shown in **Exhibit 27B**, including the following:
 - a. Parking shall not be expanded under the dripline of the large oak tree at the northwest corner of the property;
 - b. The oak tree shall be adequately protected during construction, including root pruning if necessary, and the prohibition of parking or construction staging on any currently permeable surface under the tree's canopy, and;
 - c. The Applicant shall maintain existing ornamental trees and shrubs along both of the school's frontages on Porter Street and Wisconsin Avenue.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Tammy M. Stidham 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:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 20, 2023

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, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 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.

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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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.