

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19781 of ROK Development, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a third story and rear addition to an existing principal dwelling unit and convert it to a three-unit apartment house in the RF-1 Zone at premises 524 Jefferson Street N.W. (Square 3209, Lot 102).

HEARING DATE: July 11, 2018
DECISION DATE: July 25, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (Original) and 29 (Corrected¹.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. Initially, the ANC was opposed to the application, but subsequently supported it, as revised. The ANC's initial report indicated that at a regularly scheduled, properly noticed public meeting on July 2, 2018, at which a quorum was present, the ANC voted 6-0-0 to oppose the application. (Exhibit 55.) Vice Chair of the ANC, Nancy Roth, testified at the Board's public hearing on behalf of the ANC in opposition to the project. At the July 11 hearing, the Applicant offered to revise its plans to address the concerns of the neighbors and to present the project again to the ANC. At the end of the July 11 hearing, the Board closed the record with leave for the Applicant

¹ The Applicant submitted a self-certification to correct the Square number, but did not amend the relief.

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to submit revised plans and for the ANC's response to those revised plans. The Applicant subsequently submitted its revised design of the project. (Exhibit 60). In response, at a regularly scheduled, properly noticed public meeting on July 17, 2018, at which a quorum was present, the ANC voted 2-0-3 to withdraw its opposition and to support the application subject to the revised plans and three conditions. (Exhibit 63.) These conditions were subsequently included in an agreement between the Applicant and the ANC and also made part of this order. (Exhibit 62.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 43.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 39.)

Five letters of support for the application from neighbors were submitted to the record. (Exhibits 28, 33, 34, 47, and 57.)

At the July 11, 2018 hearing, two neighbors, Ms. Cherie and Ms. Humphrey, testified in opposition. (Exhibit 54.) Five letters in opposition from neighbors were submitted to the record. (Exhibits 30, 38, 40, 45, and 50.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle U § 320.2, to construct a third story and rear addition to an existing principal dwelling unit and convert it to a three-unit apartment house in the RF-1 Zone. As the ANC withdrew its initial opposition, no parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 320.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 60 AND WITH THE FOLLOWING CONDITIONS:**

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1. The Applicant agrees to revise the plans to move the spiral staircase that accesses the rear deck of the proposed rear extension by seven feet and nine inches (7'-9") away from the property line dividing 608 Jefferson Street and 524 Jefferson Street.
2. The Applicant agrees to provide an amount of five thousand dollars only (\$5,000) towards decorative enhancements to the party line wall, on 524 Jefferson Street facing the 608 Jefferson Street property, to be used for agreed painting design, mural or similar visual enhancements on the ten feet wide (10') rear extension by building height area that is along the said property line. This total dimension of the area in question is estimated to be approximately ten feet (10') wide by thirty-three feet (33') high.
3. The ANC4D single member commissioner for 4D03 shall be informed of the implementation of the agreement upon completion with details of the work referenced above.

VOTE: **4-1-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Lorna L. John to APPROVE; Michael G. Turnbull to DENY.)

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. FARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 1, 2018

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 AFTER IT BECOMES EFFECTIVE 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.