

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19917-A of Sean Ward and Audrey Tomason, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the relief approved in BZA Order No. 19917, and pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 913 7th Street N.E. (Square 888, Lot 46).

HEARING DATE (19917):	February 6, 2019
DECISION DATE (19917):	February 6, 2019
ORDER ISSUANCE DATE (19917):	February 7, 2019
MODIFICATION HEARING DATE:	July 10, 2019
MODIFICATION DECISION DATE:	July 10, 2019

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE

BACKGROUND

On February 6, 2019, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Sean Ward and Audrey Tomason (the “Applicant”) in Application No. 19917 for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone at premises 913 7th Street, N.E. (Square 888, Lot 46) (the “Subject Property”). The Board granted the application and issued Order No. 19917 on February 7, 2019.

MODIFICATION OF SIGNIFICANCE

On May 2, 2019, the Applicant submitted a request for a Modification of Significance to the relief previously approved in Order No. 19917. (Exhibits 1-13.) The Applicant does not propose to revise the approved plans, but instead seeks additional relief for lot occupancy based on a miscalculation of the lot occupancy in the underlying application. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 12 (Corrected); Exhibit 2 (Original).) In granting the certified relief, the Board 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.

BZA APPLICATION NO. 19917-A
PAGE NO. 2

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence¹ requires a public hearing and is a modification of significance. The Applicant's request complies with 11 DCMR Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

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") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled, properly noticed public meeting on June 12, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 32.)

Office of Planning ("OP") submitted a timely report recommending approval of the requested modification of significance. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a report stating that it had no objection to the granting of the request. (Exhibit 36.)

As directed by 11 DCMR Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception and modification of significance.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 901.2, 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. The Board also concludes that in seeking a modification of significance to Order No. 19917, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 704.

The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

¹ See, Subtitle Y §§ 703.3 and 703.4.

**BZA APPLICATION NO. 19917-A
PAGE NO. 3**

It is therefore **ORDERED** that this application for modification of significance is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED MODIFIED PLANS IN EXHIBIT 13.**

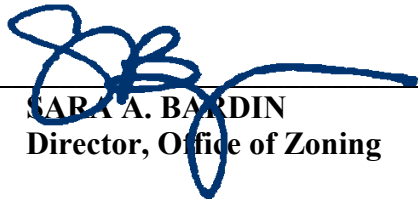
In all other respects, Order No. 19917 remains unchanged.

VOTE: 4-1-0 (Frederick L. Hill, Lesylleé M. White, Lorna L. John, and Robert E. Miller to APPROVE; Carlton E. Hart opposed to the motion.)

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 15, 2019

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.