

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



**BZA Application No. 20607-A
Max Pappas and Adel Pappas
327 Tennessee Avenue, NE (Square 1032, Lot 53)**

HEARING DATE (20607): February 2, 2022
DECISION DATE (20607): February 2, 2022
ORDER ISSUANCE DATE (20607): February 7, 2022
DECISION DATE (20607-A): May 18, 2022

**SUMMARY ORDER ON REQUEST FOR
MINOR MODIFICATION**

Pursuant to notice, at its May 18, 2022, public meeting, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for minor modification to BZA Order No. 20607 to construct a third story addition, with penthouse and roof deck, to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone. The Board considered the request for minor modification under Subtitle Y § 703 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 20607, the Board approved the request by Max Pappas and Adel Pappas (the “**Applicant**”) for a special exception from the rooftop and upper floor requirements of Subtitle E § 206.1, pursuant to Subtitle E § 206.4, Subtitle E § 5207, and Subtitle X § 902.1. The Board issued Order No. 20607 on February 7, 2022. (Exhibit 3 of the record for Case No. 20607-A.)

PROPOSED MODIFICATION. On April 8, 2022, the Applicant submitted a request for a minor modification to Order No. 20607. (Exhibits 1-7.) The Applicant is requesting to amend the previously approved plans by replacing the rooftop hatch structure with a stairway penthouse. The Applicant submitted revised plans reflecting these modifications. (Exhibit 2.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y §§ 703.8-703.9, the Applicant provided proper and timely notice of the request for minor modification. (Exhibit 6.)

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PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6A.

ANC REPORT. The ANC did not submit a written report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 9.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the modification. (Exhibit 10.)

CONCLUSIONS

The Board determines that the Applicant's request complies with Subtitle Y § 703.3, which defines minor modifications as "modifications that do not change the material facts upon which the Board based its original approval of the application." Based upon the record, the Board concludes that in seeking a minor modification, the Applicant has met its burden of proof under as directed by Subtitle Y § 703.

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.

DECISION

It is therefore **ORDERED** that this application for a minor modification of BZA Order No. 20607 is hereby **APPROVED** subject to the following **CONDITIONS**, which shall replace and supersede the conditions of BZA Order No. 20607:

1. The project shall be constructed in accordance with the plans submitted as Exhibit 2 in the case record for Application No. 20607-A,¹ as required by Subtitle Y §§ 604.9 and 604.10.

In all other respects, Order No. 20607 remains unchanged.

¹ Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. 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 such application that would require additional or different zoning relief from what is granted by this Order.

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VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Robert E. Miller to APPROVE; Lorna L. John not present, not participating)

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: May 23, 2022

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.