

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 19203-A of Sheela Tschand**, pursuant to 11 DCMR Subtitle Y § 703, for a minor modification to the plans approved by BZA Order No. 19203, to modify the façade and reconfigure the interior layout of the approved three-story, three-unit apartment house in the RF-1 Zone at premises 1844 Kendall Street N.E. (Square 4048, Lot 808).

<b>HEARING DATES</b> (19203):	March 1, 2016
<b>DECISION DATES</b> (19203):	March 15, 2016
<b>ORDER ISSUANCE DATE</b> (19203):	March 22, 2016
<b>MODIFICATION DECISION DATE:</b>	June 12, 2019

**SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION**

**BACKGROUND**

On March 15, 2016, in Application No. 19203, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Sheela Tschand (the “Applicant”) for under the Zoning Regulations of 1958 for a variance from the side yard requirements under § 405 and a special exception from the residential conversion requirements under § 336, to allow the conversion of a one-family dwelling into a three-story, three-unit apartment house at premises 1844 Kendall Street, N.E. (Square 4048, Lot 808). The Board issued Order No. 19203 on March 22, 2019. (Exhibit 3.)

**MINOR MODIFICATION**

On April 10, 2019, the Applicant submitted a request for minor modification to the plans approved by the Board in Order No. 19203. (Exhibits 1-6.) Specifically, the Applicant proposes to: (1) Reconfigure the three units within the approved footprint of the structure; (2) Provide two three-bedroom units and one two-bedroom unit, instead of the approved configuration of one three-bedroom unit and two two-bedroom units; (3) Modify the brick façade shown on all sides of the building to a mix of brick, Hardie panels, and Hardie siding; (4) Revise the layout of the roof plan so that the dividing wall is oriented north/south; and (5) Expand the third-floor footprint to accommodate a closet, within the approved building footprint and lot occupancy. The Applicant submitted revised plans reflecting these modifications. (Exhibits 2 and 27.)

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The Applicant's request complies with 11 DCMR Subtitle Y § 703.3, which defines a minor modification as "modifications that do not change the material facts upon which the Board based its original approval of the application." Pursuant to Subtitle Y §§ 703.8-703.9, the request for minor modification has been served on all other parties to the original application and those parties have been allowed at least ten days to submit comments after the request was been filed with the Office of Zoning and served on all parties. The only parties to the case are the Applicant and Advisory Neighborhood Commission ("ANC") 5D.

ANC 5D did not submit a written report regarding the minor modification.

Office of Planning ("OP") submitted a report recommending approval of the proposed minor modification. (Exhibit 29.)

The District Department of Transportation submitted a report indicating that it had no objection to the application, but recommended that the Board impose a condition that the existing curb cut be closed. (Exhibit 28.) The Board did not adopt the condition, finding that it would not be within the Board's jurisdiction for their review of the minor modification proposed.

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a minor modification. Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a minor modification to the plans approved in Order No. 19203, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

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.

It is therefore **ORDERED** that this application for minor modification of the Board's approval in Application No. 19203 is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED MODIFIED PLANS IN EXHIBIT 2 AND EXHIBIT 27.**

In all other respects, Order No. 19203 remains unchanged.

**VOTE: 3-0-2** (Frederick L. Hill, Lorna L. John, and Anthony J. Hood to APPROVE; Carlton E. Hart, and Lesylleé M. White not participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

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**ATTESTED BY:**

  
**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** June 14, 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.

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.