

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 20104 of Zeta Phi Beta Sorority, Inc., as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 320.1(b), to permit a community service use in an existing, semi-detached principal dwelling unit in the RF-2 Zone at premises 1461 S Street, N.W. (Square 206, Lot 25).

HEARING DATES: October 2, 2019 and October 30, 2019
DECISION DATE: October 30, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 48 (Final Revised); Exhibit 11 (Revised); (Exhibit 3 (Original)).)¹

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 11, 2019, at which a quorum was present, the ANC voted 8-0-1 to support the application. (Exhibit 43.)

OP Report. The Office of Planning ("OP") recommended denial of the originally-requested relief in a report dated September 20, 2019. (Exhibit 42.) OP submitted a supplemental report, dated October 21, 2019 recommending approval of the revised application subject to five conditions, which the Board adopted as part of this order (Exhibit 47.)

¹ The Applicant originally requested special exception relief under the use provisions of Subtitle U § 320.1(a) and an area variance from the residential use requirements of Subtitle U § 203.1(n)(2), to permit a non-profit use on the premises. Subsequent to the BZA public hearing of October 2, 2019, the Applicant worked with the Zoning Administrator's office which determined that this use could be considered a community service center use which is permitted by special exception in Subtitle U § 320.1(b). Accordingly, the Applicant withdrew the originally requested relief to replace it with a request for special exception under Subtitle U § 320.1(b).

BZA APPLICATION NO. 20104
PAGE NO. 2

DDOT Report. The District Department of Transportation submitted a report, dated August 26, 2019, indicating that it had no objection to the application. (Exhibit 35.)

Persons in Support. The Board received letters from two neighbors in support of the application. (Exhibits 32, p. 7 and 36.) The Board also received a petition with multiple neighbors' signatures in support of the application. (Exhibit 37.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the use provisions of Subtitle U § 320.1(b), to permit a community service use in an existing, semi-detached principal dwelling unit in the RF-2 Zone.

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 relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and 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 further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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 is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, WITH THE FOLLOWING CONDITIONS:**

1. The hours of operation shall be Monday through Friday, 9:00 a.m. to 5:00 p.m.
2. There shall be a maximum of six staff members.
3. There shall be no events on the property.
4. The property shall not be rented for any third-party purposes.
5. Office use shall be confined to first and second floor, with residential use in the basement and carriage house.

VOTE: 3-0-2 (Carlton E. Hart, Peter A. Shapiro, and Frederick L. Hill to APPROVE; Lorna L. John not participating; one Board seat vacant).

BZA APPLICATION NO. 20104
PAGE NO. 3

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: November 13, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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.