

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 20114 of 3569 Warder LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exceptions under the residential conversion provisions of Subtitle U § 320.2, with waivers from the chimney and external vent requirement of Subtitle U § 320.2(f) and the rooftop architectural element requirement of Subtitle U § 320.2(h), and under Subtitle C § 703.2 from the from the minimum parking requirements of Subtitle C § 701.5, to convert an existing two-story, semi-detached principal dwelling unit into a five-unit semi-detached apartment building in the RF-1 Zone at premises 3569 Warder Street N.W. (Square 3035, Lot 820).

HEARING DATES: October 9, 2019 and November 6, 2019
DECISION DATE: November 6, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 8.)

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") 1A.

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 to support the application. (Exhibit 31.)

In advance of the continued hearing on this application, ANC 1A Chair Kent Boese submitted a request to be accepted as an expert witness in the areas of architectural history and historic preservation. At the November 6, 2019 hearing, the Board granted his request for expert status, defining his area of expertise as architectural history. Commissioner Boese provided expert testimony regarding the front porch design, raising concerns about the proposed columns and commenting on the porch roof.

The Board determined that, because the waiver to modify the rooftop architectural element involves only the porch roof, the design of the columns is not part of the Board's consideration

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for the relief requested. The Board notes that the Applicant committed to working with the ANC moving forward on the column design issue.

OP Report. The Office of Planning (“OP”) submitted two reports regarding this application. The first OP report, dated September 26, 2019, recommended approval of the relief requested, except for the requested waiver from the rooftop architectural element requirement of Subtitle U § 320.2(h). (Exhibit 38.) OP’s supplemental report, dated November 1, 2019, recommended approval of the waiver from Subtitle U § 320.2(h), based on the Applicant’s redesign of the proposed porch roof. (Exhibit 47.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 39.)

Persons in Support. The Board received a letter in support from Edith Clemons of 3567 Warder Street, N.W. and a petition in support from 19 neighbors. (Exhibits 32 and 36.)

Persons in Opposition. The Board received a letter in opposition from Daniel Nasaw of 434 Manor Place, N.W. (Exhibit 28.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the residential conversion provisions of Subtitle U § 320.2, with waivers from the chimney and external vent requirement of Subtitle U § 320.2(f) and the rooftop architectural element requirement of Subtitle U § 320.2(h), and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to convert an existing two-story, semi-detached principal dwelling unit into a five-unit semi-detached apartment building in the RF-1 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.

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It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 45 AND THE FOLLOWING CONDITION:**


1. **Prior to the issuance of any building permit authorized by this Order**, the Applicant shall obtain the issuance of a building permit for 3567 Warder Street, N.W. to extend the chimney or otherwise comply with the requirements of Subtitle U § 320.2(f).

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; one Board member 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. DARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 12, 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 § 702.1, 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.

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

¹ Self-certification: 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.

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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.