

Government of the District of Columbia  
BOARD OF ZONING ADJUSTMENT



**Application No. 17425-A of 14T, LLC**, pursuant to 11 D.C.M.R. §§ 3104.1 and 3103.2, for variances from the floor area ratio requirements under Section 771, lot occupancy requirements under section 772, residential recreation space requirements under section 773, residential setback requirements under subsection 1902.1(b), nonconforming structure provisions under subsection 2001.3, and a special exception from the rear yard requirements under subsection 774.2, for renovation and construction of an addition allowing a mixed use (retail/residential) building in the Arts/C-3-A District at premises 1832-1840 14th Street, N.W. (Square 206, Lots 231 and 822).

**HEARING DATE:** February 14, 2006  
**DECISION DATE:** February 14, 2006 (Bench Decision)  
**DECISION DATE ON MODIFICATION:** May 2, 2006

**MODIFICATION OF APPROVED PLANS**  
**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 D.C.M.R. § 3113.2.

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) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a letter in support of the application. The Office of Planning submitted a report in support of the application.

**REQUEST FOR MODIFICATION OF APPROVED PLANS**

The above-captioned application was approved by the Board of Zoning Adjustment (Board) by Order No. 17425, dated March 6, 2006. On March 31, 2006, the applicant filed a Request for Modification of Approved Plans. The modification involves the relocation of proposed parking from a basement level (which was to be excavated under the historic structures), to the ground floor level, accessible at street-grade. Several other portions of the basement and first floor plans were affected by the relocated parking, namely:

1. The reduction in parking spaces provided from thirty-one (31), approved by the Board, to thirty (30);
2. The Reduction in the number of residential units from thirty-eight (38) approved by the Board, to thirty-seven (37);
3. Conversion of the units remaining on the ground-floor level from residential to live/work "Artist Housing" as permitted by Section 1901.1 and 1908.1(d) of the Zoning Regulations;
4. Reduction in the retail gross floor area from 6,000 square feet, approved by the Board, to 4,830 square feet; and
5. Elimination of the loading berth, shown on the original application approved by the Board, which, pursuant to 11 D.C.M.R. § 2200.5, is not required.
6. Relocated parking spaces from the P-1 level to the ground floor.

The applicant submitted revised plans shown as Exhibit 34 in the record. Further, the applicant submitted additional plans noting an elevation change on the ground floor level, shown as Exhibit 35 in the record.

A modification of approved plans is allowed with Board approval under the provisions of Section 3129 of the Zoning Regulations. By memorandum dated May 1, 2006, noted in the record as Exhibit 36, the Office of Planning stated that they had reviewed the proposed changes and stated that the "requested changes do not appear to have any effect on the requested variances or on the justification provided for support of the relief. As such, OP has no objection to the modification."

The Board concludes that the requested modification of plans was timely filed pursuant to subsection 3129.3, is minor in nature, and does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 D.C.M.R. §§ 3101.6 and 3129.1, the Board has determined to waive the requirement of 11 D.C.M.R. § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that the **MODIFICATION OF APPROVED PLANS** be **GRANTED** subject to the revised plans (Exhibits No. 34 and 35) in the record.

**VOTE:**        5-0-0            (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, present and voting to approve, Curtis L. Etherly, Jr. and Gregory Jeffries voting to approve by absentee vote).

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

Each concurring member approved the issuance of this order.

ATTESTED BY:

  
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JERRILY R. KRESS, FAIA  
Director, Office of Zoning *J*

FINAL DATE OF ORDER: MAY 05 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, 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 PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL

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FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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



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**MAY 05 2006** As Director of the Office of Zoning, I hereby certify and attest that on a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Richard B. Nettler, Esq.  
Kinley R. Dumas, Esq.  
Robins, Kaplan, Miller & Ciresi, LLP  
1801 K Street N.W., Suite 1200  
Washington, D.C. 20006

Chairperson  
Advisory Neighborhood Commission 2B  
9 Dupont Circle, N.W.  
Washington, DC 20036

Single Member District Commissioner 2B09  
Advisory Neighborhood Commission 2B  
9 Dupont Circle, N.W.  
Washington, DC 20036

Bill Crews  
Zoning Administrator  
Dept. of Consumer and Regulatory Affairs  
Building and Land Regulation Administration  
941 North Capitol Street, N.E., Suite 2000  
Washington, DC 20002

Councilmember Jack Evans  
Ward Two  
1350 Pennsylvania Avenue, N.W.  
Suite 106  
Washington, DC 20004

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Ellen McCarthy, Interim Director  
Office of Planning  
801 North Capitol Street, N.E.  
4<sup>th</sup> Floor  
Washington, D.C. 20002

Alan Bergstein  
Office of the Attorney General  
441 4<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20001

**ATTESTED BY:**

  
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**JERRILY R. KRESS, FAIA**  
Director, Office of Zoning 

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