

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



**Application No. 17431 of King's Creek, L.L.C.**, pursuant to 11 DCMR § 3104.1 and 3103.2, for a special exception to allow a building height of 50 feet in the Reed Cooke Overlay, under § 1403, and a variance to permit an addition to a nonconforming structure under subsection 2001.3, a variance from the floor area ratio requirements of § 402, and a variance from the court requirements under § 406, to allow an addition to, and conversion of, an existing building, for residential use in the RC/R-5-B district at premises 2329 and 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816).

**HEARING DATE:** February 28, 2006 and March 14, 2006  
**DECISION DATES:** May 2, 2006

**DECISION AND ORDER**

This application was submitted by King's Creek, L.L.C., ("Applicant"), the owner of the property that is the subject of this application ("subject property"). The self-certified application requested a special exception and several variances in order to permit the adaptive reuse of an existing commercial building for residential purposes.

The Board held a public hearing on the application on February 28, 2006, which was continued to, and completed on, March 14, 2006. At the close of the hearing, the Board set a decision date of May 2, 2006. At the decision meeting, the Board voted 3-2-0 to approve the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated September 13, 2005, the Office of Zoning ("OZ") gave notice of the filing of the application to the D.C. Office of Planning ("OP"), the D.C. Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 1C, the ANC within which the subject property is located, the Single Member District member for 1C07, and the Council Member for Ward 1. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing date in the *D.C. Register* and mailed notice of the hearing to the Applicant, ANC 1C, and all owners of property within 200 feet of the subject property.

Requests for Party Status. There were five requests for opposition party status, including one from the Reed-Cooke Neighborhood Association, but only one was granted by the Board. Opposition party status was granted to Mr. John W. Holmes, who is part-owner

of several nearby properties. The Board determined that he would be uniquely affected if the requested relief were granted.

Applicant's Case. The Applicant presented his own case without the assistance of witnesses. With the aid of his attorney, he presented and explained the architectural renderings and the economic feasibility analysis. He testified concerning all the aspects of both the variance and special exception tests, explaining the uniqueness of the subject property and the practical difficulties arising from it, as well as the lack of harm to the Zone Plan and the benefits to the community resulting from his project.

Government Reports. The Office of Planning submitted a report to the Board dated February 21, 2006, recommending that the lot occupancy<sup>1</sup> and court width variances be granted and that the floor area ratio ("FAR") and expansion of a non-conforming structure variances be denied. OP also stated that it did not support the special exception for the height increase. OP argued that the Applicant had failed to demonstrate any practical difficulty in using the building for residential purposes at its current FAR and height. OP also stated that the Applicant could demolish the building and that the Applicant's submissions did not contain sufficient evidence to support the claim that remediation of late-discovered soil conditions was overly financially burdensome.

ANC Report. The ANC submitted two reports to the Board, the first based on the original application and the second based on a revised set of plans that, according to the ANC, "materially altered certain features of the project." Both ANC reports resulted from properly-noticed meetings with quorums. The first ANC report was dated February 21, 2006, and stated that, at a regularly-scheduled meeting on February 1, 2006, which was continued to February 15, 2006, the ANC decided to take no position with respect to the variances requested, but voted to recommend denial of the special exception to allow a 50-foot height. After reviewing the changed plans at a meeting on March 1, 2006, the ANC submitted its second report, dated March 6, 2006, stating that it now recommended approval of the variances and took no position with respect to the special exception to allow a 50-foot height.

Persons in Support and in Opposition. The Board heard testimony in support and in opposition to the application and received letters expressing support or opposition, including a letter in support from Councilmember Jim Graham.

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<sup>1</sup>The Office of Planning treated the application as needing a variance from lot occupancy, but the building as it exists is nonconforming as to lot occupancy. No variance is necessary to "permit" or "confer" this nonconforming status. What is necessary is a variance from § 2001.3 because of this nonconformity.

**FINDINGS OF FACT**

Background

1. The subject property is comprised of two lots, 103 and 816, in Square 2561, at address 2329 and 2335 Champlain Street, N.W. It is located within an R-5-B zone district and within the Reed-Cooke Overlay District.
2. The subject property fronts on Champlain Street and is bounded in the rear by a 15-foot wide public alley.
3. Champlain Street is 50 feet wide at this location.
4. Lot 103 of the subject property is improved with a two-story granite building built in 1924 and used in the past as office space, a warehouse, a garage and auto showroom, and most recently, as a retail establishment. The building is now vacant.
5. The two-story existing building is not a designated landmark or located within an historic district, but it is architecturally unique. It is an attractive building with an unusual stone façade and is prized by the neighborhood.
6. The Applicant was informed by several members of the community that if he attempted to raze the building, they would petition to have it designated an historic landmark by the District of Columbia government.
7. Lot 816 of the subject property is improved with a much smaller two-story building which is attached to the side of the building on Lot 103. This smaller two-story building is also vacant and had also been used in the past for commercial uses.
8. The subject property was located in a C-M-2 (Commercial-Manufacturing) zone district until 1987 when the Reed-Cooke Overlay was adopted and the zoning was changed to RC\R-5-B. Therefore, prior to 1987, the commercial uses in the buildings were permitted as a matter-of-right, but after 1987, they became non-conforming uses.
9. The lot occupancy of the Lot 103 building is approximately 97%, and the combined lot occupancies of the buildings on Lots 103 and 816 is currently 92.8%, both significantly more than the 60% permitted in the R-5-B zone district, but less than the 100% permitted in the former C-M-2 district. *See*, 11 DCMR §§ 403.2 and 842 & 843 (no side yard or rear yard at grade required in a C-M district.)
10. The FAR of the building on Lot 103 is currently 1.9, slightly more than the 1.8 permitted in the R-5-B district, but less than the 4.0 permitted in the former C-M-2 district. *See*, 11 DCMR §§ 402.4 and 841.1.

11. The height of the building on Lot 103 is currently 24.66 feet. The R-5-B zone district permits a maximum height of 50 feet. 11 DCMR § 400.1. The Reed-Cooke Overlay permits a height of only 40 feet, but also authorizes the Board, at 11 DCMR § 1403, to grant a special exception to permit a 50-foot height maximum if certain criteria are met.

The Applicant's proposed project

12. The Applicant proposes to combine Lots 816 and 103 and add a two-story addition on top of the building on Lot 103. The Applicant will demolish the smaller building on Lot 816 and replace it with a 4-story side addition to the Lot 103 building.<sup>2</sup>
13. The Applicant's project will be wholly residential, in keeping with the R-5-B zone district, and will provide 22 condominium units and 21 below-grade parking spaces, plus four tandem spaces.<sup>3</sup>
14. The Applicant's proposal will not change the lot occupancy of the building, but will increase the FAR to 2.66.
15. Because the proposed FAR is greater than the 1.9 permitted in the underlying zone, a variance from this limit is required.
16. In addition, because the building is already non-conforming for lot occupancy and FAR, the addition necessitates that the Applicant request a variance from 11 DCMR § 2001.3, which prohibits additions to buildings that do not conform to lot occupancy requirements or that increase an existing nonconformity.
17. The addition of two more floors above the existing building also necessitates that the Applicant request a special exception to permit a height of 50 feet. *See*, 11 DCMR § 1403.
18. In order to ensure light and air to one of the basement-level dwelling units, the Applicant will extend the open court at the rear of the northern-most portion of the building below grade, creating a court with a total height of 60 feet.

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<sup>2</sup>The smaller building on Lot 816 will be razed and the two lots combined. Therefore, from this point on, this Order treats the proposed project as one building, on Lot 103, with one FAR, height, etc.

<sup>3</sup>No parking is required for the proposed use because the parking credits generated by the prior uses exceed the new residential requirement. If parking were required, the ratio would be one space for each two dwelling units, or 11 spaces.

19. The R-5-B zone requires an open court width of 4 inches per foot of height of the court, thus requiring a court width of 20 feet. The project is providing a court of only 16 feet wide, necessitating that the Applicant request a court-width variance. *See*, 11 DCMR § 406.1.

**Variance Relief Under § 3103**

*Extraordinary situation or condition*

20. The subject property is covered by a commercial/warehouse-type structure. The property has valid certificates of occupancy for retail use on the first floor and office use on the second floor, both of which would be permitted only as non-conforming uses in this R-5-B zone.
21. The Applicant has tried to lease the building for these uses, but has been unable to find lessors because the property and its surroundings are all now zoned residentially.
22. With the current R-5-B zone designation, few non-residential uses are permitted in the area and the building on the subject property, constructed and designed, as it was, for commercial/industrial uses, has become outmoded.
23. The building has, in the last few years, become destabilized due to vibrations caused by construction in the area. The Applicant has spent a considerable amount of time, effort, and money to stabilize the crumbling façade and solid granite perimeter walls, including rebuilding deep foundation walls.
24. Efforts to stabilize the building have been complicated and expenses increased by the discovery, during the digging and rebuilding of the foundation walls, of petrochemical soil contamination, which had apparently leaked from the underground storage tanks of a former gas station located to the north of the subject property.
25. At the time of the hearing, approximately 8,000 tons of soil had been removed from the property and remediation was not yet complete.
26. Foundation stabilization and soil remediation, at the time of the hearing, had cost the Applicant approximately \$4.4 million.
27. The open court provided by the project is bounded by property lines to the north and east and by building walls to the south and west, with an opening out to the rear alley.

28. In order to provide light and air to a dwelling unit at the lowest level, this court must remain open to the bottom of the foundation wall bounding the court to the south, which is 17 feet below grade.
29. Neither this foundation wall nor the lot lines can be moved to allow for a greater court width.

*Practical Difficulty*

30. The building is up to 120 feet deep from front to rear, with 16-inch thick solid granite walls largely on the property lines.
31. The building's north and south facades currently have no windows.
32. Cutting windows through the thick granite walls and supporting them to maintain them will be very expensive.
33. At only two stories, the second floor residential units would be surrounded by taller buildings on two, and potentially three, sides, with many windows on lot lines.
34. The front façade of the building has large showroom-type windows and garage openings located on the property line and facing immediately onto the sidewalk, resulting in reduced privacy and the need for a discounted sales price.
35. With only two floors, the building could only offer traditionally less-desirable "lower floor units" which could not be sold for the cost to develop them, particularly after the cost of foundation stabilization and soil remediation.
36. Residential condominium use of the building at its current size would result in a loss of approximately \$5 million to the Applicant.
37. The extra floors, and thus the extra height and FAR, provide upper floor units which can be sold at a higher rate to offset the costs of the project and the lower rates at which the "lower floor units" will be sold.
38. If the court did not have to extend below-grade, its total height would be reduced and it would substantially comply with the court-width requirements.
39. To achieve this substantial compliance, however, would mean foregoing the provision of light and air to a lower-level unit, or, perhaps, foregoing the unit itself.

*No Substantial Detriment*

40. This area was previously zoned C-M-2, and many of the buildings in the area have lot occupancies significantly in excess of 60%.
41. The building just to the south of the subject property is 50 feet tall and the building across Champlain Street from the subject property is 55 feet tall. Both these buildings obtained zoning relief to reach these heights.
42. Directly behind the subject property, across the alley, are several lots zoned R-5-B, but not within the Reed-Cooke Overlay. They can therefore be built to a matter-of-right height of 50 feet. *See*, 11 DCMR § 400.1.
43. The two new floors proposed by the Applicant will be set back from the front parapet line, reducing the massing of the building and allowing additional light to reach the street.
44. Retention of the existing structure preserves an architecturally unique building that is valued by many members of the community.
45. Converting the building from past commercial uses to residential use is consistent with the Zone Plan and the purposes of the Reed-Cooke Overlay.
46. The proposed project is providing ample and unobtrusive underground parking and will have little or no impact on traffic and parking in the neighborhood.

**Special Exception Relief Under §§ 1403 and 3104**

47. The Applicant's project will be 50 feet high with a 10-foot high rooftop penthouse structure, resulting in a 60-foot building, only 1.5 feet higher than a matter-of-right 40-foot building with a matter-of-right 18.5-foot rooftop penthouse. *See*, 11 DCMR §§ 400.1 and 400.7(c).
48. The residential use at the size, intensity, and location proposed furthers the specific goal of the Reed-Cooke Overlay to "provide for the development of new housing." *See*, 11 DCMR § 1400.2(a)(1).
49. Vehicular access to the proposed project will be from the 15-foot-wide public alley at the rear of the property, therefore, no curb cut on Champlain Street will be used and there will be no conflict with pedestrian ways.
50. A below-grade parking garage with sufficient parking will be provided, mitigating any potential impact on street parking in the neighborhood.

51. An open area at the rear of the building adjacent to the alley is available if necessary for the use of a service vehicle.
52. The proposed residential use will not produce any excessive noise and will not have any outdoor materials storage.
53. The proposed building and residential use are in harmony with the R-5-B zone district's "moderate height and density." *See*, 11 DCMR § 350.2.

## **CONCLUSIONS OF LAW**

### **The Variance Relief**

The Board is authorized to grant variances from the strict application of the Zoning Regulations to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of the Zoning Regulations would "result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property." D.C. Official Code § 6-641.07(g)(3) (2001), 11 DCMR § 3103.2. The "exceptional situation or condition" of a property can arise out of the structures existing on the property itself. *See, e.g., Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974). Relief can be granted only "without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2.

An applicant for area variances must make the lesser showing of "practical difficulties," as opposed to the more difficult showing of "undue hardship," which applies in use variance cases. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: exceptional condition of the property, that such exceptional condition results in "practical difficulties" to the Applicant, and that the granting of the variances will not impair the public good or the intent or integrity of the Zone Plan and Regulations.

The Applicant has requested three variances, one to permit extra FAR, one to permit a narrower-than-permitted court width, and one to permit an addition to a nonconforming structure. The third variance is necessary as an adjunct to the first two because the subject building is nonconforming as to FAR and lot occupancy, triggering the need for a variance from § 2001.3, which prohibits increasing an existing nonconformity or adding an addition to a structure not conforming to lot occupancy requirements. *See*, 11 DCMR § 2001.3(a) and (b)(2). Because the third variance is "piggybacked" on the first two, if the Applicant meets the variance test for the first two, it also meets the test for the third.

The subject building was constructed as an auto repair garage in 1924, before the enactment of the Zoning Regulations. The property was eventually zoned C-M-2, and the building continued to be viable as a commercial structure. In 1987, the zoning was changed to RC/R-5-B, and the surrounding neighborhood has become mostly residential. The building, as it currently exists however, is unsuited to residential uses. It is a 2-story, warehouse-type structure with thick granite walls, and wide, showroom-style windows and garage openings on the first floor. Both certificates of occupancy extant for the building are for non-residential uses, which would be, at best, non-expandable nonconforming uses. As a commercial structure, the building is now obsolete. However, the structure may be renovated for modern-day residential use in a manner that preserves its distinctive architectural features. Therefore, the Board concludes that the nature of the building and its existence on the lot constitute an exceptional circumstance which the Applicant must contend with and which meets the first prong of the variance test.

The Applicant's practical difficulties with its project, as well as its need for extra height, arise out of the building itself. While the Board recognizes that the Applicant is not currently forced to retain the building due to historic preservation, or other constraints, the Board also recognizes that the Applicant is likely to encounter opposition should he attempt to raze it. The Board notes that individuals in the neighborhood have stated an intent to file an application to have the building designated an historic landmark if the Applicant attempts to demolish it. The filing of such an application would prevent its destruction while the application is pending, and, if designated, permanently thereafter. *See* D.C. Official Code § 6-1102 (c)(1) (2001).

Moreover, the Board does not see the wisdom in potentially forcing the Applicant to raze an attractive and historically-interesting building, which may well be worth designating a landmark, merely because if it does so, new construction *may* not require zoning relief. This is entirely different from the situation where an applicant seeks a variance to undertake alteration that would cost less than matter of right renovations. *Cf. Barbour v. District of Columbia Board of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976) (BZA denial of variance affirmed because applicant failed to demonstrate "that added expense and inconvenience inherent in the alternative methods of expansion are unnecessarily burdensome or rise to the level of 'peculiar and exceptional practical difficulties'").

The Board agrees with the Applicant that retaining the building will cause extra expense in cutting and supporting windows in the thick granite walls. Windows are necessary for residential units. The building as is, or with one additional floor, would still be surrounded by taller buildings on two, and potentially three, sides. Complicating matters still further is the unexpected discovery of the soil contamination and the expense of foundation stabilization and soil remediation. With these costs added to the cost of

construction, the extra height and FAR are necessary to make the project financially viable.

The court-width relief is necessary to provide adequate light and air to one of the lower-level residential units. Because of the 60-foot total height of the court, a court width of 20 feet is necessary. A court of only 16 feet is being provided, but the Applicant cannot move either a foundation wall or a lot line to increase the width. The strict application of the regulations would preclude the ability to provide light and ventilation to the lower-level unit, perhaps precluding the unit itself and resulting in a further financial burden.

All three variances requested can be granted without impairing the public good or the intent and integrity of the Zone Plan, Zoning Regulations or Map. The amount of extra FAR requested, and therefore, the total FAR of the completed building, is not inconsistent with the FARs of other buildings in the area. This extra FAR will be put to residential uses, in harmony with the residential neighborhood and the R-5-B zoning. The somewhat reduced court width will have no negative impact, and at 16 feet, provides sufficient light and air to the building.

### **The Special Exception Relief**

The Board is authorized to grant a special exception where, in its judgment, the special exception will be “in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property.” 11 DCMR § 3104.1. Certain special exceptions must also meet the conditions enumerated in the particular section pertaining to them. In this case, the Applicant had to meet both the requirements of § 3104.1 and § 1403 of the Zoning Regulations.

The first requirement of § 1403 is that the building at the size, location, and intensity proposed will substantially advance the purposes of the Reed-Cooke Overlay. The Applicant’s project meets this requirement by providing new housing (*See*, 11 DCMR § 1400.2(a)(1)) at an appropriate size and intensity of use. The Applicant’s project also advances the Reed-Cooke Overlay goal of protecting adjacent and nearby residences from damaging environmental, social, and aesthetic impacts by renovating and re-using the now-unused building. Potentially damaging environmental impacts will be prevented by the soil clean-up and remediation being undertaken by the Applicant. The stylish design and re-energizing presence of the newly-re-used building will have positive social and aesthetic impacts on the neighborhood.

Section 1403 also requires adequate off-street parking, as well as vehicular access and egress that is safe, efficient, not in conflict with pedestrian ways, and not liable to cause objectionable traffic conditions. These requirements are also met by the Applicant’s project. Although no parking is required due to parking credits generated by previous

uses of the building, the Applicant is providing 21 parking spaces, 10 more than the 11 that would be required by the Zoning Regulations. *See*, 11 DCMR § 2101.1. All the parking spaces will be in an unobtrusive underground garage and will be accessed by an entrance from the alley behind the building. There will be no curb cuts on Champlain Street to access the garage and therefore no interference with pedestrian ways along the street. The parking garage access and design is safe and efficient and the introduction of 22 new residential units into the neighborhood will not create any dangerous or objectionable traffic conditions.

Both sections 1403 and 3104.1 are concerned with noise impacts and general detriment to the health, safety, convenience, and welfare of nearby residents and visitors. The Applicant's project will have no significant noise impacts on the neighborhood and will not affect adversely the use of neighboring property. The project's residential nature is also in harmony with the intent and purpose of the Zoning Regulations and Map, and certainly more so than any continuation of the previous nonconforming uses would be.

### **Great Weight**

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Office of Planning recommended approval of the court width variance, but recommended denial of the FAR and addition to nonconforming structure variances. OP also did not support granting the special exception to permit extra height. The Board agrees with OP insofar as the court width variance, but disagrees with OP as to the other relief requested. OP's report indicates that at least part of its rationale for not supporting the FAR and addition to nonconforming structure variances was because the Applicant has the option to raze the building and, at the time, no documentation had been produced to support the Applicant's claimed costs of foundation stabilization and soil remediation. As explained earlier, the Board finds that there would be practical difficulties associated with razing the building as well as a detrimental impact to the public from the loss of this architecturally valued structure. As to the costs claimed by the Applicant, the Board is now satisfied that they have been documented and that they add to the Applicant's unique situation and practical difficulties in abiding by the Zoning Regulations.

With regard to the special exception for the height, OP was of the opinion that the 40-foot height allowed by the R-5-B zone district was sufficient and that no more height was necessary. The Applicant, however, explained that the extra height was necessary to financially support the project and to make the building more harmonious with neighboring buildings. Part of this explanation is based on the evidence of costs of

foundation stabilization and soil remediation, which, again, was not before OP at the time of its report. Further, the Board concludes that the Applicant meets all the requirements of both §§ 1403 and 3104.1, and therefore, the special exception should be granted. *See, First Baptist Church of Washington v. D.C. Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C.1981). ("If the applicant meets its burden, the Board ordinarily must grant the [special exception] application.")

ANC 1C decided to support the granting of all the variances, a position with which the Board agrees. The ANC took no position with respect to the special exception for the height; therefore, there is no decision to be accorded great weight by the Board.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application for variances pursuant to § 3103.1, to permit an addition to a nonconforming structure under § 2001.3, from the floor area ratio requirements of § 402, and from the court width requirements of §406, and also with respect to an application for a special exception to allow extra height pursuant to §§ 1403 and 3104. Accordingly, it is therefore **ORDERED** that the application be **GRANTED**.

**VOTE: 3-2-0** (Ruthanne G. Miller, John A. Mann II, and Curtis L. Etherly, Jr. to grant; Geoffrey H. Griffis and Gregory N. Jeffries to deny.)

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

Each concurring Board member has approved the issuance of this order.

ATTESTED BY: \_\_\_\_\_

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

**FINAL DATE OF ORDER: NOV 28 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.

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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



**BZA APPLICATION NO. 17431**

As Director of the Office of Zoning, I hereby certify and attest that on **NOVEMBER 28, 2006**, 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:

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**BZA APPLICATION NO. 17431**  
**PAGE NO. 2**

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**ATTESTED BY:**

  
\_\_\_\_\_  
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Director, Office of Zoning 

TWR