

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



**Application No. 17650-A of Gethsemane Baptist Church**, pursuant to 11 DCMR § 3103.2, for a variance from the parking requirements under subsection 2116.3, to allow an expansion of an existing church, in the R-3 District at premises 5119 4<sup>th</sup> Street, N.W. and 320 Hamilton Street, N.W. (Square 3301, lot 809).

**HEARING DATE:** September 4, 2007  
**DECISION DATE:** September 4, 2007 (Bench Decision)  
**MODIFICATION DECISION DATE:** November 5, 2008

**SUMMARY ORDER ON**  
**REQUEST FOR MODIFICATION OF APPROVED PLANS**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on the original application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. ANC 4D submitted a letter in support of the original application. The Office of Planning (OP) submitted a report in support of the original application.

**BACKGROUND**

The original Application for this property was BZA Application No. 17650, pursuant to 11 DCMR § 3103.2, for a variance from the parking requirements under subsection 2116.3, to allow an expansion of an existing church. Advisory Neighborhood Commission 4D submitted a report in support of the application. The Office of Planning also submitted a report in support of the application. The Board of Zoning Adjustment heard and decided the case by bench decision on September 4, 2007, and issued a summary order on September 6, 2007.

**MODIFICATION REQUEST**

Subsection 3129.7 of the Zoning Regulations states that "Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon its [sic] approving the application."

In this modification, the Applicant seeks (1) a reduction of the parking area accessed from Hamilton Street, N.W. from 21 to 18 parking spaces, the elimination of the loading space. (2)

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The relocation of three parking spaces and the loading space eliminated from Hamilton Street parking lot to an area south of the retaining wall, between the existing trash dumpster and electrical transformer. Vehicular access to these spaces would be from the abutting 15 foot wide alley.

The Applicant further requests a waiver from the six (6) month time limitation on requesting a modification of approved plans under subsection 3129.3. The Applicant indicated that the location of the retaining wall was incorrectly shown on the originally approved plans and this unforeseen mistake caused the need for the requested modification of the approved plans.

Advisory Neighborhood Commission 4D submitted a report (Exhibit 33) indicating that it voted to support the modified parking arrangement. The Office of Planning submitted a report (Exhibit 35) in support of the modification request. No other parties commented on the request for to the modification application.

**CONCLUSIONS OF LAW**

The Board, after reviewing the Applicant's written submission and plans, as required by 11 DCMR § 3129.5, concludes that the modifications requested are minor and do not change the material facts upon which the Board relied in approving the application. See, 11 DCMR § 3129.7. Therefore, the Board concludes that the Applicant's request for permission to modify its plans meets the requirements set forth in the regulations for a minor modification. It is hereby **ORDERED** that the motion to waive the time limit for filing a request for modification of plans and the request for modification of plans (pursuant to Exhibit 34-Plans Sheet C-1) is **GRANTED**.

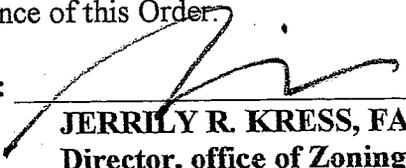
November 5, 2008 Public Decision Meeting:

**VOTE: 3-0-2** (Ruthanne G. Miller, Shane L. Dettman and Marc D. Loud by absentee ballot to grant; the Zoning Commission member and third mayoral appointee not voting not having participated in the original case).

**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:** November 6, 2008

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

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



**BZA APPLICATION NO. 17650-A Modification of Approved Plans**

As Director of the Office of Zoning, I hereby certify and attest that on November 6, 2008, 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:

Joe Jackson  
Joe Jackson Associates, P.C.  
1818 New York Avenue, N.E., Suite 213  
Washington, D.C. 20002

Chairperson  
Advisory Neighborhood Commission 4D  
143 Kennedy Street, N.W.  
Washington, D.C. 20011

Single Member District Commissioner 4D03  
Advisory Neighborhood Commission 4D  
143 Kennedy Street, N.W.  
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Muriel Bowser, Councilmember  
Ward Four  
1350 Pennsylvania Avenue, N.W.  
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Matthew LeGrant, Zoning Administrator  
Building and Land Regulation Administration  
Department of Consumer and Regulatory Affairs  
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**BZA APPLICATION NO. 17650-A**  
**PAGE NO. 2**

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rsn

**ATTESTED BY:**

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