

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17662 of Doug Damron, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a spiral staircase from the second floor to a new roof deck serving a flat (two-family) row dwelling under section 223, not meeting the court requirements (section 406), in the R-4 District at premises 936 S Street, N.W. (Square 363, Lot 73).

HEARING DATE: September 25, 2007
DECISION DATE: September 25, 2007 (Bench Decision)

DISMISSAL ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

BACKGROUND

The subject Zoning Administrator reviewed application was filed with the Board of Zoning Adjustment (Board) on May 2, 2007. Pursuant to 11 DCMR 3113.3, notice of the September 25, 2007 public hearing was sent to the Applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (ANC) 2C and the District of Columbia Office of Planning (OP). The Applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect. The Office of Planning submitted a report in support of the application. Advisory Neighborhood Commission 2C did not participate in the application. No parties appeared at the public hearing in opposition to this application.

The application is a request under 11 DCMR § 3104.1, for a special exception pursuant to section 223, based on a Zoning Administrator determination that the project did not comply with the closed court requirements under section 406. The Board, after careful consideration of the evidence presented in the record of this case, concludes that the above-cited relief is not needed to allow the proposed staircase addition.

The Board found the following with respect to the relief being sought in this application:

1. The Zoning Administrator's referral letter states that the relief pursuant to § 223, is necessary "to permit aggregate increase in non-conformity of existing open court, becoming a closed court". (Exhibit No. 4)
2. The existing open court on the subject property is nonconforming as to width.
3. A closed court is defined in relevant part, as follows: A court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines. (11 DCMR § 199.1 definition of Court, Closed)
4. The staircase proposed is an open spiral staircase, which does not constitute an "exterior wall" or "side or rear lot line", therefore, the court is not surrounded on all sides so as to become a closed court.
5. The existence of the spiral staircase does not change the open court to a closed court.
6. The court remains an open court nonconforming court and there appears to be no increase in nonconformity.
7. Therefore, no relief is needed pursuant to §§ 223 and 2001.3.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **DISMISSED** and as such authorizes the Department of Consumer and Regulatory Affairs to issue a building permit to the Applicant pursuant to Exhibit 8 - Plans.

Board's Motion to Dismiss the Application:

VOTE: 5-0-0 (Ruthanne G. Miller, Gregory N. Jeffries, Curtis L. Etherly, Jr., Marc D. Loud and Shane L. Dettman to Dismiss).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: 

JERRILY R. KRESS, FAIA
Director, Office of Zoning

BZA APPLICATION NOS. 17662
PAGE NO. 3

FINAL DATE OF ORDER: September 26, 2007

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. rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17662 – DISMISSAL ORDER

As Director of the Office of Zoning, I hereby certify and attest that on September 26, 2007, 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:

Doug Damron
936 S Street, N.W.
Washington, D.C. 20001

Chairperson
Advisory Neighborhood Commission 2C
P.O. Box 26182
Washington, D.C. 20001

Commissioner 2C01
Advisory Neighborhood Commission 2C
P.O. Box 26182
Washington, D.C. 20001

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

Matthew LeGrant, Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E., Room 2000
Washington, D.C. 20002

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 17662
PAGE NO. 2

Harriet Tregoning, Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Jill Stern, Esq.
General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

rsn

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning