

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



**Order No. 17913-B of Gonzaga College High School, Motion for Minor Modification of Approved Plans to Order Nos. 17913 and 17913-A of Gonzaga College High School,** pursuant to § 3129 of the Zoning Regulations. The original application was pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to construct new facilities for academic and athletic uses, to construct a below grade parking garage and to make other related modifications to the campus under section 206, and for a variance from the court requirements under section 406, in the R-4, C-2-A, and C-3-C Districts at premises 19 I Street, N.W. (Square 622, Lot 91 (formerly Lots 90 and 840)).<sup>1</sup>

<b>HEARING DATE (original application):</b>	April 28, 2009
<b>DECISION DATE (original application):</b>	April 28, 2009
<b>FINAL ORDER ISSUANCE DATE (Order No. 17913):</b>	May 4, 2009
<b>DECISION ON TIME EXTENSION MOTION:</b>	May 17, 2011
<b>TIME EXTENSION ISSUANCE DATE (Order No. 17913-A):</b>	June 7, 2011
<b>MODIFICATION DECISION DATE:</b>	October 4, 2011

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

Background.

On April 28, 2009, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the application of the Gonzaga College High School (“Applicant”), with one condition, for a special exception to construct new facilities for academic and athletic uses, to construct a below grade parking garage and to make other related modifications to the campus under § 206, and for a variance from the court requirements under § 406, in the R-4, C-2-A, and C-3-C Districts at premises 19 I Street, N.W. Order No. 17913 was issued on May 4, 2009. (Exhibit 32.)

The Applicant filed a request, dated April 1, 2011, for a two-year time extension of Order No. 17913 until May 4, 2013. (Exhibit 34.) The Board approved the Applicant’s request for a two-year time extension of Order No. 17913 on May 17, 2011, and issued Order No. 17913-A on June 7, 2011, pursuant to 11 DCMR § 3130. (Exhibit 38.)

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<sup>1</sup> According to the Applicant’s filings, the Lot number is now Lot 91, but formerly, it was known as Lots 90 and 840. (Exhibit 41, Tab D.)

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Motion for Minor Modification

On August 22, 2011, the Applicant filed a request for minor modification of approved plans to Order Nos. 17913 and 17913-A, pursuant to § 3129 of the Zoning Regulations. In its motion the Applicant indicated that the modification application would not alter the relief granted by the prior orders in the case, but rather would allow the Applicant to implement the first phase of the project with a slightly modified plan at the northwest corner of the Subject Property. The requested changes to the approved plans include: (1) an addition of one story comprising an additional 3,816 square feet and (2) reconfiguration of a stairwell at the northwest corner of the Theater Support Building (“TSB”). All other elements of the approved project under the prior orders would remain the same. According to the Applicant, the proposed modifications would:

1. Increase the approved addition to the gym by one story from 3,816 square feet to approximately 77,721 square feet. There will be no increase in the building’s footprint;
2. Increase the building height of the Arts and Academic Center West (“AAC West”) from 26 feet three inches to 38 feet;
3. Increase the height of the roof structure from nine feet to 10 feet six inches, and set back 12 feet from the rooftop edge of the building; and
4. Remove mechanical systems previously approved for an area adjacent to the alley at ground level and place them on the roof of the building. The placement of the mechanical equipment on the roof of the building would require reconfiguring the design of the stairwell adjacent to the TSB.

(Exhibit 41.)

Pursuant to § 3129.4, all requests for minor modifications of plans must be served on all other parties to the original application at the same time as the request is filed with the Board. The Applicant timely served all the other parties to the original application. Sufficient notice of the motion for minor modification was provided to the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 6C, the affected ANC and a party to the case, as well as to Commissioner Keith Silver, 901 New Jersey Avenue, N.W., who is the Single Member District Commissioner, as evidenced by the Applicant’s letter and Certificate of Service dated August 22, 2011, which indicated that it had served a copy of its motion on each of those entities and Commissioner Silver. (Exhibit 41.)

Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. OP submitted a supplemental report dated September 20, 2011, in support of the request to modify the approved plans. (Exhibit 43.) ANC 6C submitted a report, dated September 19, 2011, in support of the modification application. The ANC’s report indicated that the Applicant came before the ANC at a regularly scheduled, duly noticed meeting of September 15, 2011, at which a quorum was present, and presented its modification application. The ANC voted unanimously (7:0:0) to support the application. (Exhibit 42.) Neither Commissioner Silver, nor any other neighbors, submitted separate filings.

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Section 3129, specifically § 3129.6, indicates that approval of requests for minor modification of approved plans shall be limited to minor modifications that do not change the material facts upon which the Board based its original approval of the application.

Subsection 3129.3 requires that minor modification “of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application.” Pursuant to § 3130, a motion for a two-year time extension of Order No. 17913 was approved by the Board on May 17, 2011, and Order No. 17913-A granting that two-year extension was issued on June 7, 2011. (Exhibit 38.) As the motion for a minor modification of approved plans to Order Nos. 17913 and 17913-A was filed on August 22, 2011, after the underlying approval was extended for two years, that motion was filed within the two-year period required by § 3129.3. (Exhibit 41.)

Subsection 3129.5 indicates that the Board shall make a decision on a request for minor modification of plans on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application. The Board gave both the OP and ANC reports great weight. The Board, in reaching its decision, cited to the OP and ANC reports. In its report OP noted that there would be no change to any building footprints pursuant to the modification proposal, nor an increase in the number of students, faculty, or staff. OP stated that reconfiguration of the stairwell would increase the width of a closed court between the TSB and Forte Hall, bringing it closer to the minimum 22 feet required. The modification of plans would require no new zoning relief and, instead, the affected closed court would be brought closer into conformance with the Zoning Regulations. All of the modifications would be located interior to the site and the reconfiguration of the stairwell and the increase in the closed court would be imperceptible from outside the subject property. Although the increase in building height for ACC West and the increase in roof structure height would be minimally visible from the row dwellings across the alley to the north, no variances would be necessary as they would conform to the Zoning Regulations. Placement of the mechanical equipment onto the roof of ACC West, instead of on the ground, would be an aesthetic improvement, per OP’s report. (Exhibit 43.) The Board determined that the modifications are minor and do not change the material facts on which the zoning relief was approved, and therefore no new relief is required.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3129.1, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. No parties opposed this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant's proposed modification of these conditions is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application.

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Pursuant to 11 DCMR § 3100.5, 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 **GRANTED PURSUANT TO EXHIBIT 41, TAB B - PLANS DATED AUGUST 17, 2011.**

In all other respects Order Nos. 17913 and 17913-A remain unchanged.

**VOTE on Original Application (May 4, 2009):** **3-0-2**

(Shane L. Dettman, Marc D. Loud, Gregory N. Jeffries to APPROVE. Mary Oates Walker and the third Mayoral appointee (vacant) not participating, not voting.)

**VOTE on Time Extension Motion (June 7, 2011):** **4-0-1**

(Nicole C. Sorg, Lloyd J. Jordan, Jeffrey L. Hinkle, and Peter G. May to GRANT; Meridith H. Moldenhauer not participating.)

**VOTE on Minor Modification of Approved Plans (October 7, 2011):** **4-0-1**

(Meridith H. Moldenhauer, Nicole C. Sorg, Lloyd J. Jordan, and Jeffrey L. Hinkle (by absentee vote) to APPROVE; no Zoning Commission member participating or voting.)

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

A majority of Board members approved issuance of this order.

ATTESTED BY:

  
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**RICHARD S. NERO, JR.**  
Acting Director, Office of Zoning

FINAL DATE OF ORDER: OCT 06 2011

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



**BZA APPLICATION NO. 17913-B**

**OCT 06 2011**

As Acting 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, or delivered by electronic mail in the case of those ANCs and SMDs that have opted to receive notices thusly, 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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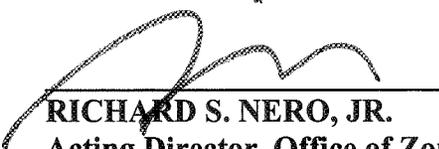
Chairperson  
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**ATTESTED BY:**

  
**RICHARD S. NERO, JR.**  
Acting Director, Office of Zoning

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