

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18280 of Eric Sosnitsky, pursuant to 11 DCMR § 3104.1 for a special exception to allow a rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), and court requirements (section 406) in the R-4 District at premises 630 A Street, N.E. (Square 867, Lot 123).

HEARING DATE: October 25, 2011
DECISION DATES: October 4, 2011 (Expedited Review) and October 25, 2011

SUMMARY ORDER

SELF-CERTIFIED

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

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board of Zoning Adjustment's ("Board") expedited review calendar for decision without hearing as a result of the applicant's waiver of his right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application.

No objections to expedited review calendar consideration were made by any other person entitled to do so by § 3118.7, and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above.

Once called, the Board noted that the application was deficient in that the Applicant posted the property on September 30, 2011, only four days prior to the public meeting date, whereas a 15-day posting is required. The Affidavit of Posting was filed that same day, September 30th, four days prior to the meeting, whereas filing five days in advance is required. (Exhibit 25.) The Applicant filed a letter requesting that the Board waive the posting and affidavit time requirements (Exhibit 24). In addressing these preliminary matters, the Board noted that it received no comments from the community, and decided that the posting period was inadequate to

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justify a waiver of this notice requirement. The Board requested that the application be removed from the expedited review calendar and scheduled for a public hearing pursuant to 11 DCMR § 3118.6(a). At the Board's request, staff scheduled the application for hearing at 1:00 p.m. on October 25, 2011. Notice of the newly scheduled hearing date was posted in the Office of Zoning pursuant to 11 DCMR § 3118.5(b).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 223. ANC 6C submitted a report in support of the application. (Exhibit 21.) The Office of Planning ("OP") also submitted a report in support of the application. (Exhibit 22.) No requests were made for party status, consequently, no parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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, pursuant to Exhibit No. 9 (Plans & Elevations), is hereby **GRANTED**.

Decision of the Board at the October 4, 2011 Public Meeting to remove the application from the Expedited Review Calendar and schedule it for a public hearing:

BY CONSENSUS: (Meridith H. Moldenhauer, Nicole C. Sorg, and Lloyd J. Jordan participating)

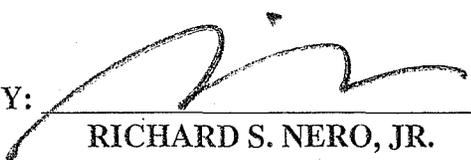
Vote taken at the conclusion of the Public Hearing of October 25, 2011:

VOTE: 4-0-1 (Nicole C. Sorg, Jeffrey L. Hinkle, Meridith H. Moldenhauer, and Anthony J. Hood to Approve; Lloyd J. Jordan not present, not voting)

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

A Majority of the Board members approved the issuance of this order.

ATTESTED BY:



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

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FINAL DATE OF ORDER: November 1, 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.

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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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As Director of the Office of Zoning, I hereby certify and attest that on NOV 01 2011, 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:

Eric Sosnitsky
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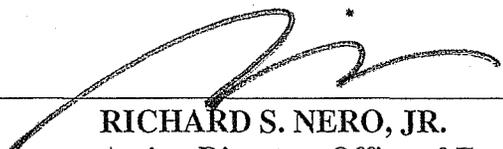
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