

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



**Order No. 18426-A of The National Presbyterian Church, Motion for Modification of Approved Plans in Order No. 18426**, 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 allow the physical expansion of an existing private school to include a three story addition and increase in the student enrollment cap to 320 and the facility and staff cap to 70 individuals under § 206, and a variance from the side yard requirements for a temporary modular trailer under section 405, in the R-1-B District at premises 4120-4124 Van Ness Street, N.W. (Square 1724, Lot 805).

<b>HEARING DATE</b> (Original Application):	November 2, 2012
<b>DECISION DATE</b> (Original Application):	November 2, 2012
<b>FINAL ORDER ISSUANCE DATE</b> (No. 18426):	November 13, 2012
<b>HEARING DATE FOR MODIFICATION:</b>	November 19, 2013
<b>MODIFICATION DECISION DATES:</b>	November 5, 2013 and November 19, 2013

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

**BACKGROUND**

On November 2, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved The National Presbyterian Church’s (the “Applicant”) original request for a special exception to allow the physical expansion of an existing private school to include a three-story addition and increase in the student enrollment cap to 320 and the facility and staff cap to 70 individuals under § 206, and a variance from the side yard requirements for a temporary modular trailer under § 405, in the R-1-B District at premises 4120-4124 Van Ness Street, N.W. (Square 1724, Lot 805). The approval was given pursuant to nine enumerated conditions. BZA Order No. 18426, approving the original request, was issued on November 13, 2012. (Exhibit 37.)

**MOTION FOR MODIFICATION**

On October 22, 2013, the Applicant filed a Request for a Minor Modification of Plans approved by the Board on November 2, 2012, in Order No. 18426, pursuant to 11 DCMR § 3129 together with a Certificate of Service providing notice by hand delivery or first class mail to the other parties in the case, the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 3E, the affected ANC. (Exhibit 40.) Then, on October 28, 2013, the Applicant submitted a supplemental Request for Minor Modification, which included a full set of plans for the proposed modification project. (Exhibit 41.)

The Applicant is requesting to modify its already approved plans by proposing new construction for an approximately 1,800 square foot two-story addition instead of the three-story addition previously approved in 2012. In 2012, the Board had approved a special exception to construct a three-story classroom addition that would fill and extend into an existing open courtyard. The Applicant’s modification calls for phasing the approved construction by postponing the third-story construction to the school building and converting the Church administrative space into classroom space and proceeding with the courtyard portion as a two-story infill rather than a three-story structure. Thus, the Applicant proposes to add a two-story classroom addition to the west side of the existing Education Building and delay the approved third-floor construction to a later construction phase when funding is available. (*See* site plans, Exhibits 40 and 41.) According to the Applicant, the new proposal does not affect the previously approved zoning relief or require any additional relief or other changes in the application. Also, the approved nine conditions to Order No. 18426 would remain unchanged.

This case had originally been placed on the November 5, 2013 Public Meeting agenda. At the public meeting on November 5<sup>th</sup>, the Board found that the modification was not minor and moved the case to the November 19, 2013 Public Hearing agenda for a public hearing, per § 3129 of the Zoning Regulations.

Pursuant to § 3129, the Board conducted a public hearing on the requested modification on November 19, 2013. At the public hearing, the Applicant requested a waiver of the posting requirements, as the Board’s scheduling of the public hearing 14 days after the November 5<sup>th</sup> public meeting meant that the property, which had been posted, was posted for all but one day of the required 15-day time period. The Applicant also testified that an affidavit of posting was filed. (Exhibit 43.) The Applicant also testified that the modification proposal had been presented to the ANC, which had unanimously voted to support the request. The Board granted the requested waiver.

The other parties submitted reports on the Applicant’s request for modification. OP filed a timely report dated October 29, 2013, stating that it supported the Applicant’s request to modify the approved plans. (Exhibit 42.) The affected ANC, ANC 2E, which was a party in support to the underlying case, filed a resolution report dated November 18, 2013, in support of the modification request. The ANC’s report indicated that at a duly noticed and scheduled

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public meeting on November 14, 2013, with a quorum present, the ANC voted 4-0-0 to support the modification request. (Exhibit 45.)

Based upon the record before the Board and having given great weight to the OP and ANC reports submitted, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3129, that the requested modification can be granted as 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. No parties opposed this modification. Accordingly, a decision of the Board to grant this modification would not be adverse to any party.

The Board concludes that the Applicant's proposed Modification of Approved Plans is well supported and consistent with requirements of § 3129 of the Zoning Regulations and represents a modification that does not change the material facts the Board relied upon in approving the original application.

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 for Modification of Approved Plans be **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 41**. In all other respects, Order No. 18426 and the conditions approved therein remain unchanged.

**VOTE ON ORIGINAL APPLICATION ON NOVEMBER 2, 2012: 3-0-2**

(Lloyd L. Jordan, Marcie I. Cohen, and Nicole C. Sorg, to APPROVE; No other member present and one vacant seat.)

**VOTE ON MODIFICATION OF APPROVED PLANS IN ORDER 18426 ON NOVEMBER 19, 2013: 3-0-2**

(Lloyd J. Jordan, Robert E. Miller, and S. Kathryn Allen to APPROVE; Jeffrey L. Hinkle, not present or voting; one Board seat vacant.)

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

A majority of the Board members approved the issuance of this summary order.

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

**SARA A. BARDIN**  
**Director, Office of Zoning**

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**FINAL DATE OF ORDER:** November 27, 2013

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.