

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18435 of Friendship Family LLC, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the floor area ratio limitations under subsection 771.2, a variance from the rear yard requirements under section 774, a variance from the parking requirements under subsection 2101.1, and a variance from the loading requirements under subsection 2201.1, and a special exception under subsection 411.11 from the roof structure requirement under subsection 411.5, to allow an addition to an existing veterinary hospital in the C-2-A District at 4105 Brandywine Street, N.W. (Square 1732, Lot 822).¹

HEARING DATE: November 7, 2012
DECISION DATE: November 27, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3E, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a resolution in support of the application. The ANC report stated that at a regularly scheduled, duly noticed meeting on October 11, 2012, at which a quorum was present, ANC 3E voted 4:1:0 in support of the application, with conditions.² (Exhibit 24.)

¹ In response to the recommendation of the Office of Planning, the Applicant amended its application to include a request for special exception relief under § 411.5 and 411.11, to allow roof structures of unequal heights for the addition of a dog-walking area on the roof of the building. (Exhibit 27.) The Office of Planning recommended approval of this amendment to the application. (Exhibit 28.) The caption has been changed to reflect that amendment as well as a correction to the subsection advertised for the variance to floor area ratio.

² The ANC cited the voluntary agreement the Applicant entered into with the ANC that is designed to address concerns raised by nearby neighbors and ANC members. The ANC conditioned its support on the Applicant's agreement to "employ an acoustical treatment in the garage, seek to locate its valet parking drop off in front of the

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. 18435
PAGE NO. 2

The Office of Planning ("OP") submitted a report in support of the application. (Exhibit 28.) In addition, the District Department of Transportation ("DDOT") submitted a report with detailed analysis of the Applicant's project that was supportive of the application. (Exhibit 30.)

A party status application in opposition was filed by the Applicant's neighbor, Bruce Forrest Lowrey, 4117 Brandywine Street, N.W. (Exhibit 26.) However, on November 6, 2012, ahead of the hearing on this matter, Mr. Lowrey submitted a letter of support and withdrew his opposition. (Exhibit 31.) He indicated that he had worked with the Applicant to mitigate any adverse impacts the proposed project would have on his property and had reached an agreement with the Applicant which was attached to his letter. Six letters of support were submitted for the record from neighbors and clients of the Applicant, including Lorna Watson (Exhibit 39), Erica Buck (Exhibit 38), Gail H. Henry (Exhibit 37), Lorraine DiRienzo (Exhibit 36), Deborah C. Anderson (Exhibit 35), and Anne McCutcheon Lewis (Exhibit 34).

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variances under § 3103.2 from the strict application of floor area ratio limitations under § 771.2, from the rear yard requirements under § 774, from the parking requirements under § 2101.1, and from the loading requirements under § 2201.1. No parties appeared at the public hearing in opposition to the 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 filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board also required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to §§ 3104.1 and 411.11 for a special exception from the roof structure provisions under § 411.5. No parties appeared at the public hearing in opposition to the 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 ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 411.11, and 411.5, that the requested relief can be granted as being in harmony

hospital on Brandywine Street, N.W., and to establish a construction management agreement in consultation with the ANC and nearby neighbors." (Exhibit 24, attachment.)

BZA APPLICATION NO. 18435
PAGE NO. 3

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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO the plans at Exhibit 9 and the FOLLOWING CONDITIONS:**

1. The Applicant shall institute a Transportation Demand Management (TDM) program to include the following:
 - a. The Applicant shall designate an employee to serve as a Site Transportation Coordinator to provide employees with information on alternative modes of transportation.
 - b. The Applicant shall subsidize 50% of the transit fare for employees who commute to work by transit, with a target goal of 50% transit use by employees.
 - c. The Applicant shall initiate a program to promote carpooling and vanpooling, and shall promote regional Commuter Connections and Guaranteed Ride Home programs, with a monetary incentive comparable to the transit subsidy offered to employees.
 - d. The Applicant shall provide parking for five bicycles within the existing building, in accordance with applicable provisions of § 2119 of the Zoning Regulations.
 - e. The Applicant shall reimburse 100% of the annual registration fee for Capital Bikeshare for any employee of Friendship Hospital for Animals who requests it.
2. The Applicant shall monitor and evaluate the performance of the TDM program, draft an annual report documenting its findings of that monitoring program, and submit the report to DDOT.
3. The Applicant shall provide valet parking for those clients who request it, to be operated either within the public space on Brandywine Street in front of the Hospital (subject to permission by DDOT), or within the Hospital garage.
4. The Applicant shall coordinate the schedule of deliveries by vendors, to eliminate overlap to the greatest extent possible, and shall instruct vendors to park their delivery vehicles either in the Loading Zone on Brandywine Street or in the east side of the alley adjacent to the Hospital building, north of and adjacent to the garage entrance/exit.

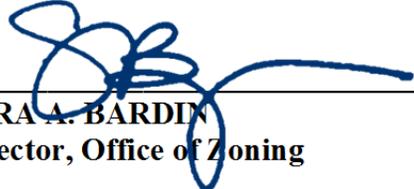
BZA APPLICATION NO. 18435
PAGE NO. 4

VOTE: **4-0-1** (Nicole C. Sorg, Robert E. Miller, Lloyd L. Jordan, and Jeffrey L. Hinkle, to Approve; the third Mayoral appointee vacant.)

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

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

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 3, 2012

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.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA APPLICATION NO. 18435
PAGE NO. 5

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.