

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18443-A of 3616 14th Street, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 771, a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, a variance from the nonconforming structure requirements under subsection 2001.3, and a variance from the off-street parking requirements under subsection 2101.1, to allow the conversion of a two-story retail/office building to a three-story structure with retail on the first story and multi-unit (eight units) apartments on the second and third story¹, in the C-2-A District at 3616 14th Street, N.W. (Square 2689, Lot 860).

HEARING DATE: November 13, 2012

DECISION DATE: November 13, 2012

CORRECTED SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the "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") 1A, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The Applicant submitted a letter of support from ANC 1A. The ANC report, which was dated September 12, 2012, indicated that at a regularly scheduled, duly noticed meeting on September 12, 2012, at which a quorum was present, ANC 1A voted unanimously (8:0:0) in support of the application. (Exhibit 29, Tab E.)

The Office of Planning ("OP") submitted a report recommending denial of four of the five requested

¹ This order clarifies that the relief being granted is to allow the conversion of a two-story retail/office building to a three-story structure with retail on the first story and multi-unit apartments on the second and third story. The advertised notice for the hearing and original Order had typographical errors whereby it described the property as single family and the number of units being converted to as four. The caption has been corrected in Order No. 18443-A to reflect the correct relief and property description.

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variances. OP did not have an objection to the requested relief from the off-street parking requirements under § 2101.1. (Exhibit 28.) In addition, the District Department of Transportation ("DDOT") submitted a report of no objection to the application. (Exhibit 20.)

A letter of support with conditions was submitted for the record from Donna Person, who resides on the 1400 block of Perry Place, N.W. (Exhibit 32.) Letters of support for the application were also submitted from seven neighbors, including Bruce Tucker, 1442 Spring Road, N.W.; Lin Lawson, 1365 Parkwood Road, N.W.; Sam Huang, 3605 14th Street, N.W.; Chadwick R. Cook, 1403 Perry Place, N.W.; Moses Robbins, 3616 14th Street, N.W.; Rose Schneider, 1414 Perry Place, N.W.; and Rosano Cajna, 3616 14th Street, N.W.

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 a variance under § 3103.2 from the strict application of the floor area ratio requirements under § 771, the lot occupancy requirements under § 772, the rear yard requirements under § 774, the nonconforming structure requirements under § 2001.3, and the off-street parking requirements under § 2101.1. 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 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.

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 30.**

VOTE: **4-0-1** (Lloyd L. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Anthony J. Hood 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:  _____ *for*
SARA A. BARDIN
Director, Office of Zoning

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FINAL DATE OF ORDER: November 19, 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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR 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.