

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19056 of Margaret Cheney, as amended,¹ pursuant to 11 DCMR § 3103.2, for variances from the minimum side yard width requirements under § 405.1, and the off-street parking requirements under § 2101.1, to allow the construction of a new one-family dwelling in the R-3 District at premises 3324 Dent Place, N.W. (Square 1278, Lot 251).

HEARING DATES: July 28, 2015, October 6, 2015, and December 1, 2015
DECISION DATE: December 1, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (See Self-Certification, Exhibit 2 (original) and Exhibit 44 – (revised).)

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”) 2E and to owners of property within 200 feet of the site. After the amendment, the Applicant posted the property with the revised relief. (Exhibit 39.)

The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC submitted a report dated November 30, 2015, indicating that at a duly noticed public meeting on November 30, 2015, at which a quorum was in attendance,

¹ The original application was for variances from the minimum lot width requirements under § 401, and the off-street parking requirements under § 2101.1, to subdivide the property and allow the construction of two new one-family dwellings. Applications for party status were filed in the record from the Citizens Association of Georgetown and neighbors in opposition to the original proposal to construct two houses at the site. (Exhibits 26, 27, 28, and 32.) The ANC also opposed the original proposal. (Exhibit 25.) OP opposed the lot width variance, but supported the parking variance. (Exhibit 35.) After negotiations with the community, the Applicant revised the proposal to construct one dwelling instead of two, as indicated in the caption of this order above. (See Applicant’s revised statement, Exhibit 37.) On November 20, 2015, the Citizens Association of Georgetown filed a letter on its behalf and on behalf of the community members expressing support for the revised application. (Exhibit 42.) At the hearing of December 1, 2015, the Board denied the applications for party status given the neighbors’ support for the project, the neighbors’ absence from the hearing, and the fact that no withdrawal of the party status applications was submitted. OP, the ANC, and the neighbors all filed documents in opposition to the original project, however since they all support the revisions, the body of the order will only reference the documents related to the revised relief.

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the ANC voted unanimously to adopt the resolution in support of the amended application. (Exhibit 46.)

The Office of Planning (“OP”) submitted a report dated November 24, 2015, in support of the amended application for relief from the minimum side yard requirements and off-street parking requirements (Exhibit 43), and recommended approval at the hearing. The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 24.)

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 § 3103.2, for variances from §§ 405.1 and 2101.1. The only parties to the case were the Applicant and the ANC – which expressed support for the application. 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 ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 405.1 and 2101.1, 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 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 requirement of 11 DCMR § 3125.5, 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 this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 40 AND 37-A - ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **3-0-2** (Marnique Y. Heath, Frederick L Hill, and Robert E. Miller to Approve; Jeffrey L. Hinkle not present, not 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 order.

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

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FINAL DATE OF ORDER: December 9, 2015

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.