

**THE CESAR CHAVEZ PUBLIC CHARTER
SCHOOLS FOR PUBLIC POLICY**

**NOTICE FOR SOLICITATION OF PROPOSALS TO
PROVIDE A PRINCIPAL TRAINING PROGRAM**

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for principal training programs. We are looking for a respected program in which to enroll a prospective principal in a year long training program (approximately July '06-June '07).

The Cesar Chavez Public Charter Schools will receive bids from May 19, 2006 to COB June 2, 2006 Attn: Lisa Drew, 709 12th Street, SE, Washington, D.C. 20003. A full RFP may be obtained by calling 202-547-3424 ext. 45.

Friendship Public Charter School

Request For Proposals

NOTICE OF RFP

TECHNOLOGY LAB/SMARTLAB CHAMBERLAIN CAMPUS

The Friendship Public Charter School, in accordance with section 2204(c)(1)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104-134) hereby solicits proposals to provide fully-equipped computer and project labs for its Chamberlain Elementary Campus. The computerized labs is to include multiple kinds of information and digital equipment integrated with curriculum and kits of manipulatives for elementary student projects designed to support elementary school curriculum standards in science, math, social studies and the humanities. The installation of the integrated educational project support lab is to be turnkey with all installation costs covered. FPCS is specifying a SmartLab learning environment manufactured by Creative Learning Systems. Equivalent systems may be submitted—provided the vendor substantially conforms to the intended scope and sequence of the various educational components as outlined in the RFP. A copy of the RFP may be obtained from Ms. Valerie Holmes, FPCS Procurement Specialist, on 202-675-6935 or vholmes@friendshipschools.org. Proposals are due Friday, May 26, 2006 at 4:00 PM.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

EMPLOYMENT LAW COUNSEL

Interested parties shall respond to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP – EMPLOYMENT LAW COUNSEL FOR FRIENDSHIP PUBLIC CHARTER SCHOOL" to:

Ms. Valerie Holmes
Friendship Public Charter School
701 E Street SE
Washington DC 20003

By no later than: **4:00 PM on Friday, May 26, 2006**

Introduction

FPCS is soliciting proposals and qualification statements from providers of employment law counsel services for tax-exempt bond financing. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalties or irregularities in procedure.

Project Scope

PROVIDE EMPLOYMENT LAW COUNSEL SERVICES TO FRIENDSHIP PUBLIC CHARTER SCHOOL – 900 PENNSYLVANIA AVENUE, SE, WASHINGTON, DC.

It is the intent of this RFP to select a law firm which can provide employment law counsel services renewable annually over the next three years.

Proposal Requirements

Proposals shall include, at a minimum, the following information organized as follows in their qualification statement:

1. A brief discussion of the law firm, its history, and services offered;
2. Resumes of the attorneys to provide the services
3. Names and contact information of at least three non-profit clients
4. Proposed engagement letter with fees and estimated hours and maximum cost for the first year of services.

Law firms must meet the following qualifications:

Employment law counsel clients must include at least one charter school in the District of Columbia

Please address the proposal to:

Ms. Catherine Somefun
Chief Financial Officer
701 E Street SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at (202) 675-6935 or e-mail at vholmes@friendshipschools.net.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

REAL ESTATE AND FINANCIAL LEGAL COUNSEL

Interested parties shall respond to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP – REAL ESTATE AND FINANCIAL LEGAL COUNSEL SERVICES FOR FRIENDSHIP PUBLIC CHARTER SCHOOL" to:

Ms. Valerie Holmes
Friendship Public Charter School
701 E Street SE
Washington DC 20003

By no later than: **4:00 PM on Friday, May 26, 2006**

Introduction

FPCS is soliciting proposals and qualification statements from providers of real estate and financial legal services. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Friendship Public Charter School Inc. ("Friendship") reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Project Scope

PROVIDE REAL ESTATE AND FINANCIAL COUNSEL SERVICES TO FRIENDSHIP PUBLIC CHARTER SCHOOL – 900 PENNSYLVANIA AVENUE, SE, WASHINGTON, DC.

It is the intent of this RFP to select a law firm which can provide real estate and financial counsel services for up to three new campuses over the next 3 years.

Proposal Requirements

Proposals shall include, at a minimum, the following information organized as follows in their qualification statement:

1. A brief discussion of the law firm, its history, and services offered;
2. Resumes of the attorneys to provide the services
3. Names and contact information of at least three non-profit clients
4. Proposed engagement letter with fees and estimated hours and maximum cost for the first year of services.

Law firms must meet the following qualifications:

Real estate and financing clients must include at least one charter school in the District of Columbia

Please address the proposal to:

Ms. Catherine Somefun
Chief Financial Officer
701 E Street SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at (202) 675-6935 or e-mail at vholmes@friendshipschools.net.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

COMPUTER HARDWARE & COMPUTER SUPPLIES

Interested parties shall MAIL the response to this RFP by submitting (4 copies, 1 original inclusive) sealed qualification statements and by addressing the specific proposal requirements as requested in this RFP in an envelope clearly marked "RFP—COMPUTER HARDWARE & COMPUTER SUPPLIES—to

Ms. Valerie Holmes
Finance Office
Friendship Public Charter School (FPCS)
701 E Street SE
Washington, DC 20003

By no later than **4:00 PM on Friday, May 26, 2006**

Introduction

Friendship Public Charter School (FPCS) is seeking a firm to supply computer hardware, including desktops, laptops, & printers, and computer supplies.

FPCS is soliciting proposals and qualification statements from interested parties having specific interest and qualifications in the areas identified in this solicitation. A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations by phone or in person and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

FPCS reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Project Scope

SUPPLY COMPUTER HARDWARE, AND COMPUTER SUPPLIES to Friendship Public Charter School Southeast Academy Campus and the Central Administration.

Proposal Requirements

Proposals shall include, at a minimum, the following information organized as follows in a qualification statement:

1. A brief discussion of the company/firm, its organization, and products offered;
2. Pricing of Items (See Attachment A—List of items)

3. Terms of payment

4. A proposed contract **ready for execution, but not executed.**

Applicants should respond to:

Catherine Somefun
Chief Financial Officer
Friendship Public Charter School
701 E Street SE
Washington, DC 20003

For further information, contact Ms. Valerie Holmes at 202-675-6935.

ATTACHMENT A		
FRIENDSHIP PUBLIC CHARTER SCHOOL		
ITEMS	UNIT PRICE	EXTENDED PRICE
1. DCRDVD Camcorders		
2. Sony 30PK 8CM Mini DVD-R		
3. Sony 1PK Mini DVD-RW 30 Min		
4. Coral Paint Shop Pro X Win		
5. Rechargable battery		
6. Rechargable battery charger		
7. Autodial equipment		
8. IBM TP R52 09/1.86 60GB 512MB CRW XP		
9. CDW Software (labor/installation)		
10. Kingston 512MB PC2-420 200PIN SODIM		
11 IBM TC S51 SFF H8/3.0 80GB 512MB XPP		
12. IBM EXP TC A51P H8/3.0 40G 256M XPP		

DEPARTMENT OF HEALTH
ADMINISTRATION FOR HIV POLICY AND PROGRAMS

NOTICE OF FUNDING AVAILABILITY #0519-06

2006 Ryan White Title I
PWA Advocacy Project (PAP)

The Government of the District of Columbia, Department of Health, Administration for HIV Policy and Programs is soliciting applications from qualified organizations located within the Washington DC Eligible Metropolitan Area (EMA), which includes Washington, DC, Suburban Maryland, Northern Virginia, and the counties of Berkley and Jefferson in West Virginia. This organization must be licensed to conduct business within the District of Columbia and be able to provide advocacy and arbitration services to indigent, uninsured and underinsured residents of the Washington DC EMA.

Approximately \$225,000 will be available to fund one provider for the PWA Advocacy Project (PAP). This award is based on the availability of funds awarded to the District of Columbia from the Health Resources Services Administration (HRSA).

The Request for Applications (RFA) will be available for pick-up at 64 New York Avenue, NE – Suite 5001 on May 19, and on the following website www.opgd.dc.gov under District Grants Clearinghouse.

The Request for Application (RFA) submission deadline is no later than 5:00 p.m. on June 19, 2006. All applications will be recorded upon receipt. Applications submitted at or after 5:01 p.m., June 19, 2006, will not be forwarded to the review panel for funding consideration. Any additions or deletions to an application will not be accepted after the deadline of 5:00 p.m. June 19, 2006. A Pre-Application Conference will be held May 24, 2006 from 10:30 a.m. to 12:30 p.m., at the location below.

*64 New York Avenue, NE
Washington, DC 20002
5th Floor Conference Room
Phone: (202) 671-4900
E-mail: Trammell.Walters@dc.gov*

Department of Health
Administration for HIV Policy and Programs

NOTICE OF FUNDING AVAILABILITY #0619-06

2006 Housing and Housing Services for Persons Living with HIV/AIDS Grant

The Government of the District of Columbia, Department of Health/Administration for HIV Policy and Programs is soliciting applications from qualified organizations located and licensed to conduct business with the District of Columbia to provide a variety of housing to services to indigent, uninsured and under-insured residents of the District of Columbia who are HIV-infected.

A total award of \$1,000,000.00 in FY 2007 will be available. All awards will be based on the availability of funds awarded to the District of Columbia from the U.S. Department of Housing and Urban Development (HUD) for low-income individuals with HIV/AIDS.

Services under the FY 2007 Housing and Housing Services included Facility Based Housing with Supportive Services/Substance Abuse; Transitional Housing for Men with Supportive Services; and Transitional Housing for Women with Supportive Services. The services requested will target only residents of the District of Columbia who are low-income Persons Living with HIV/AIDS (PLWH) and their families.

The Request for Applications (RFA) will be available for pick up at 64 New York Avenue, NE, 5th Floor, on May 19, 2006 and on the following website www.opgd.dc.gov under District Grants Clearinghouse.

The Request for Application (RFA) submission deadline is no later than 5:00 p.m. on June 20, 2006. All applications will be recorded upon receipt. Applications submitted at or after 5:01 p.m., June 20, 2006, will not be forwarded to the review panel for funding consideration. Any additions or deletions to an application will not be accepted after the deadline of 5:00 p.m. June 20, 2006. A Pre-Applications Conference will be held May 26, 2006 from 1:00 p.m. to 3:00 p.m., at 64 New York Ave, N.E., Washington, DC in the Administration for HIV Policy and Programs 5th Floor Conference Room.

Administration for HIV Policy and Programs
64 New York Ave. N.E.
5th Floor, Suite#5001
Washington, DC 20002
Phone: (202) 671-5088
Fax: (202) 671-4860
Email: charis.fergusonh@dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to replace three (3) Domestic Water Heaters in the campus of American University located at 4344 Wisconsin Avenue NW, Washington DC 20016.

The applications to replace the three domestic water heaters and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:00 A. M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Olaniyan Tajudeen, at (202) 535-2998.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington D.C. 2002. **No written comments postmarked after June 19, 2006 will be accepted.** The written comments must also include the person's name, telephone number, affiliation, if any mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Olaniyan Tajudeen at (202) 535- 2998.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 06-06: Chesapeake & Potomac Telephone Company Warehouse and Repair Facility

1111 North Capitol Street, NE
(Square 673, Lot 832, part of former lot 837)
Designated April 27, 2006

Designation Case No. 06-04: The Newton Theater

3601-3611 12th Street (1200-1202 Newton Street), NE
(Square 3927, Lot 812)
Designated April 27, 2006

Designation Case No. 06-07: 1440 Rhode Island Avenue, NW

(Square 211, Lot 839)
Designated April 27, 2006

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
OFFICE OF THE DIRECTOR
OFFICE OF GRANTS MANAGEMENT**

NOTICE OF FUNDS AVAILABILITY

**District of Columbia Fatherhood Initiative (DCFI)
RFA# 0524-07**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) created the Temporary Assistance for Needy Families Program (TANF). The District of Columbia established its TANF program in 1997. To support welfare reform's goals, States were allowed to develop strategies to meet the needs of low-income families and serve fathers. The widespread acceptance of fatherhood programs contributes to greater understanding of the importance of father involvement, especially in low-income families. The Department of Human Services (DHS) is the lead agency in the District of Columbia for the implementation of the Temporary Assistance for Needy Families (TANF) Program, under PRWORA. The development of the District of Columbia Fatherhood Initiative (DCFI) has established a coordination point for government and community based entities in the District for fatherhood programs/services that are not punitive yet address systemic environmental issues hindering fathers from continuous voluntary involvement in their child's life. The Department has funds available to assist eligible organizations in the expansion and delivery of fatherhood programs and services to TANF-eligible fathers.

The objective of this effort is to provide a holistic approach to service delivery that will meet the needs of fathers and their families to ensure that fathers have the fundamental skills necessary to contribute to the financial, emotional and social development of their children. In addition, the programs and services offered attempt to remove the many environmental barriers (economic, educational, employment, etc.) that negatively impact a father's involvement and support with his family and child(ren).

DHS will make available approximately \$1,295,000.00 in funding for this program with the intention of making multiple awards.

Starting Wednesday, May 24, 2006, applications can be obtained from: <http://www.opgd.dc.gov/> and going to the following link: District Grants Clearinghouse. Also on the 24th, applications may be obtained from Ms. Priscilla Burnett, Program Assistant for the Office of Grants Management at 64 New York Avenue, NE, Washington, DC, 6th floor. Please call: (202) 671-4407.

A Pre-Application Conference will be held on Wednesday, June 7, 2006 from 10:00 AM to 12:00 PM at the Martin Luther King Jr. Memorial Library, Lower Level A, Room A5 (Auditorium), 901 G Street, NW, Washington, DC 2001.

The deadline for application submission is July 6, 2006, at 3:30 PM.

Options Public Charter School

Request for Proposals (RFP)

Options Public Charter School seeks a computer service company to design and upgrade a wireless infrastructure to accommodate up to 300 wireless computers on three floors of an approximately 25,000 square foot school building.

The current system operates with 12 wireless access points serving 75 computers, interfacing with a single network wire closet containing 10/100 mbps switches. The schools current network includes a T1 line, Sonic Wall 3060 firewall, and Cisco 2610 router. All cable runs are under 300 feet with CAT 6 cable. Bids should include all necessary access points, switches, antennas, data and power cabling with installation and configuration.

The successful design must optimize performance and security. The successful bidder must be capable of working around a middle school schedule without substantial cost overruns or delays. Work must commence on June 10 and be completed by July 10, 2006.

Bids must be received by Friday, June 2, 2006 at 3:00 PM EST. If you need further detail, please contact Glenn Swanson at the number below.

Glenn Swanson
Options Public Charter School
1375 E Street NE
Washington, DC 20002

**Paul Public Charter School
5800 8th Street, NW
Washington, DC 20011
Request for Proposal**

Paul Public Charter School seeks proposals from qualified contractors for the following projects: 1. installation of three replacement low pressure boilers; 2. installation of 625 replacement student lockers; and 3. painting of 18-20,000 sq. feet of common area such as hallways & stairwells. Proposals will be accepted on Friday, June 2, 2006 by 4:00pm. Formal RFP and bid specification are available beginning Thursday, May 4, 2006 by contacting Mr. Harold Bardonille at 202-291-7499.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17349 of Michael Taylor, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to a single-family detached dwelling under § 223 of the Zoning Regulations, not meeting the lot occupancy requirements (§ 403), side yard requirements (§ 405), and nonconforming structure provisions (§ 2001.3) in the R-1-B District at premises 6919 6th Street, N.W. (Square 3191, Lots 19 and 811).

HEARING DATES: July 12, 2005, September 13, 2005, October 25, 2005
DECISION DATE: November 1, 2005

DECISION AND ORDER

Michael Taylor, the property owner (the Owner or the Applicant) of the subject premises, filed an application with the Board of Zoning Adjustment (Board) on April 25, 2005 for a special exception under § 223 to construct an addition to his residence¹ where the addition will not conform to the minimum lot occupancy requirements, side yard requirements, or nonconforming structure provisions of the Zoning Regulations. Following a public hearing, the Board voted to deny the special exception.

Preliminary Matters

Authorization of Agent and Legal Representation The Owner authorized Edgar T. Nunley as his agent for filing the application (Exhibit 5), and was also represented by Jonathan Farmer, Esq. during the public hearing before the Board.

Notice of Public Hearing Pursuant to 11 DCMR 3113.13, notice of the hearing was sent to the Owner, all owners of property within 200 feet of the subject site, the Advisory neighborhood Commission (ANC) 4B, and the District of Columbia Office of Planning (OP). The Owner posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect (Exhibit 31).

¹ As will be explained in the Findings of Fact, the addition was nearly under roof at the time of the public hearing.

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ANC Report In its report dated June 14, 2005, ANC 4B indicated that, at a regularly scheduled monthly meeting with a quorum present, the ANC voted to oppose the special exception (Exhibit 24). ANC Commissioner Faith Wheeler also testified that the addition was "oversized" and "intrusive" (See Written Statement, Exhibit 42).

Request for Party Status ANC 4B was automatically a party to this proceeding. The Board received a request for party status from a group of neighboring property owners identified as the "Friends and Neighbors of Square 3191", referred to herein as the "Neighbors" (Exhibit 29). The request for party status was granted and the Neighbors opposed the application at the public hearing, asserting, among other things, that the addition is an "aberration" because of its size and scale, and that it would adversely impact upon their privacy and light and air. The Neighbors were represented throughout the proceedings by Andrea Ferster, Esq.

Other Persons in Support/Opposition The Board received letters in opposition from two neighborhood associations, the Takoma DC Neighborhood Association and Historic Takoma, Inc. (Exhibits 27, 28). It also heard opposition testimony and received opposition letters from several individuals and two council members, and a petition in opposition from several neighbors (See, Exhibits 22, 23, 25, 26, 29, 35, 37, 38, 44, 47, and 48). There were no letters in support.

Government Reports

OP Report OP initially stated that it was unable to conduct a full review of the application without a "topographic map" and "accurate calculation of lot occupancy" (Exhibit 30). After the applicant submitted updated topographic and building plans (Exhibits 40, 49), OP prepared a supplemental report recommending denial of the application (Exhibit 41). Among other things, OP concluded that the dwelling with addition was "out of character and scale" with neighborhood homes and that the proposed addition would unduly compromise the privacy of use and enjoyment of adjoining properties... Maxine Brown Roberts, the OP representative who prepared the report, testified that the dwelling with addition "towered" over nearby properties, impacting on their privacy. She also stated that the "rectangular box" shape of the addition was out of character with the neighborhood.

Historic Preservation Review Board (HPRB) Although HPRB did not submit a written report, it considered the addition and the Applicant's request to demolish

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the garage. It conducted a public hearing on September 24, 2004, but did not approve the addition or the demolition, and requested that the applicant reconsider the design of the addition (OP Report, Exhibit 41, HPRB Transcript, Exhibit 46).

Request to Continue The Applicant requested a continuance at the July 12, 2005 public hearing due to his counsel's unavailability and to allow him to provide the survey plat and topographical plan requested by OP. The Board granted the Applicant's request for a continuance over the Neighbor's objection, held the record open for the topographical plan and OP's supplemental report, and rescheduled the case for September 13, 2005.

Motion to Dismiss

Prior to the re-scheduled public hearing date on September 13, 2005, the Neighbors filed a motion to dismiss the application based upon the Applicant's failure to file the topographical analysis (Exhibit 33). The Neighbors argued that because he had not supplied the topographical plan, the Owner had failed to diligently prosecute his application. The Board denied the motion to dismiss, but rescheduled the hearing for October 25, 2005 so that the topographical plan could be filed and OP could supplement its report.

FINDINGS OF FACT

The Site and Surrounding Area

1. The subject property consists of two lots located at 6919 6th Street, NW, Lots 19 and 811 at Square 6919 in the R-1-B zone. The Owner has submitted an application to the Surveyors Office to have the lots combined.
2. The property was improved in 1919 with a one-story single family dwelling on Lot 19 and a one-story garage on Lot 811. Lot 19 is nonconforming under current zoning regulations in that it only encompasses 2,875 square feet of land area instead of the 5,000 square feet required by current regulations. Lot 811 is 2,850 square feet in area and is an interior lot sharing the east property line of Lot 19.
3. The property is located in the in the Takoma Park Historic District, a residential neighborhood with a mix of large Victorians, medium sized homes, "four-squares", and small one-and-a-half story bungalows. The District is also characterized by tree-lined streetscapes and yards and large, spacious front and back yards.

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Background

4. The Applicant acquired the property (Lots 19 and 811) in 2003 and retained an architect to draw plans to renovate the existing dwelling and construct a rear addition. Once the plans were completed, the Applicant applied for and obtained the necessary building permits from DCRA.²
5. Construction proceeded until the building was nearly under roof. However, DCRA later issued a "stop work" order after it determined that an error had been made when the permit had been issued. DCRA found that, once the two lots were combined, the existence of the garage created new non-conformities with respect to side yard and lot occupancy.
6. The Owner first attempted to resolve the zoning issues by eliminating the garage. He applied to HPRB for permission to raze it. However, the Owner maintains that HPRB "tabled" the request and he was "left in limbo" (Exhibit 20). The Owner filed this application to allow continued construction of the renovation and addition to the property.

The Application

7. The application is for a two-story addition to the rear of the existing home and garage (Exhibit 1). The dwelling with addition will not comply with minimum side yard requirements or lot occupancy requirements, and will extend the existing nonconforming structure. (See, OP Report, Exhibit 41, DCRA Referral Letter, Exhibit 4). As a result, the Owner seeks relief under § 223 of the Zoning Regulations, which would permit the addition provided specific criteria are met.
8. The existing one-story garage is approximately one foot from the property line and thereby does not meet the side yard requirement of eight feet.
9. A combination of the existing house, the addition, and the garage would yield a lot occupancy of 43.7%, beyond the 40% allowed in the R-1-B district.

The Impact of the Addition

10. The addition is approximately one and one-half times the size of the original structure. While there are neighborhood dwellings with additions of comparable

² Because the property is located within an historic district, the permit application and plans were also referred to the HPRB.

size, most of those properties are located on larger lots.

11. The Owner submitted a DC Surveyor's plat, elevations (original and revised) a site plan, and photographs depicting the relationship of the addition to adjacent buildings and views from the public ways (Exhibits 2, 3, 6, 8, and 39).

12. The Neighbors also submitted photographs depicting the character of the neighborhood and the relationship of the addition to nearby buildings (Exhibit 50). The photographs show: (a) many of the homes in the vicinity of the subject property are comparatively "small" (Exhibit 50, p. 5); (b) even the nearby homes with existing additions are "small" compared to the dwelling and addition proposed here (Exhibit 50, p. 6, 7, 8, and 9); and the proposed addition "towers" over neighboring yards such as 528 Cedar Street, 520 Cedar Street, and 6915 6th Street, intruding upon their privacy of use and enjoyment (Exhibit 50, p. 13, 14, 15, and 16).

13. Although there are trees in the rear yards of the adjacent properties, the addition is high enough to overlook them and give clear views onto adjacent properties. (OP Report at 3, Ex. 41)

14. The Owner also submitted a topographical site plan showing the site elevations, the height of the addition, and the impact on the surrounding neighbors (Exhibit 40).

15. The topographic plan submitted by the applicant, and reviewed by OP, indicates a change in elevation of the subject site relative to adjacent properties; *i.e.*, the elevation at the property is substantially higher than the elevations at adjacent properties (Exhibit 41) The grade is higher along 6th Street and dramatically falls towards the rear of the property.

16. The proposed addition will not be visible from 6th Street. However, the portion of the addition that towers over and extends beyond the garage will be visible from Cedar Street. The massing of the building – its heavy and intrusive articulation – produces an unbroken roof line and rectangular box shaped addition. The structure is out of character with the historic Takoma Park neighborhood and as viewed from the street, alley, or public way, will visually intrude upon the character, scale and pattern of homes along the street frontage. (See OP Report, Ex. 41).

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17. The above referenced adverse impacts are a result of the massing of the structure, and therefore cannot be mitigated with conditions such as screening or the elimination of windows.

18. The addition will be visible from the existing houses to the north, south, and east. Because of the size of the addition and the comparatively high elevation at the property, the addition "towers" over nearby properties and will be viewed as three stories.

19. The proposed addition will not adversely affect the light and air to adjacent properties. The garage that currently exists on the side of the house will not be enlarged and the houses on abutting properties are located away from the garage so that it does not affect their light. The house is located in an east-west direction and therefore will not cast shadows on adjacent properties (Exhibit 41).

CONCLUSIONS OF LAW

The Special Exception

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended; D.C. Official Code § 6-641.07(g)(2) (2001)), to grant special exceptions as provided in the Zoning Regulations. The applicant is seeking a special exception pursuant to 11 DCMR § 223 and 3104.1 to construct an addition to a one-family dwelling in an R-1-B District, where the addition will not comply with the lot occupancy requirements of § 403, the side yard requirements of § 405,), and nonconforming structure provisions of § 2001.3.

The Board can grant a special exception where, in its judgment, two general tests are met, and, the special conditions for the particular exception are demonstrated.

The general tests. First, the requested special exception must "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." 11 DCMR § 3104.1. Second, it must "not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map" 11 DCMR § 3104.1. As to the first test, the proposed addition will not change the residential use of the dwelling. However, as will be explained more fully below, it will not be in harmony with the existing residential neighborhood. The addition together with the original building is inconsistent with the character

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and scale of neighborhood homes. Also, the addition will compromise the privacy of adjacent homes and adversely affect the use of neighboring properties.

Since the second test is nearly identical to the criteria for the special conditions under § 223, it will be discussed in the section below entitled "The 'special conditions' for an addition under § 223.1".

The "special conditions" for an addition under § 223.1. Under Section 223.1 of the Zoning Regulations, the Board may permit an addition to a single family dwelling where it does not comply with applicable area requirements, such as the side yard requirement, subject to its not having a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

Sec. 223.2(a). The light and air available to neighboring properties shall not be unduly affected. Although individual property owners testified to the contrary, the Board is not persuaded that the light and air to neighboring properties would be unduly affected by the proposed addition (Finding of Fact 19).

Sec. 223.2(b). The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. The Board finds that the privacy of use and enjoyment of neighboring properties would be unduly compromised by the proposed addition. The addition will create a "towering" effect which would compromise the privacy of neighboring properties (Finding of Fact 18).

Sec. 223.2(c). The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. The proposed addition will be visually intrusive as viewed from the street. As set forth above, the dwelling with proposed addition is not in character with neighboring properties due to its size, massing and design (Findings of Fact 10, 11, 12, 13, 14, 15, 16 and 17). Because of the high elevations at the property the structure would be visible from several directions, including Cedar Street, and would "visually intrude" upon the area.

Sec. 223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or

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seventy percent (70%) in the R-3, R-4, and R-5 Districts. The subject property is in the R-1-B zone (Finding of Fact 1). The proposed lot occupancy of 43.7% is less than the maximum 50% permitted in the R-1-B zone district. Therefore, this condition is met.

Sec. 223.5 This section may not be used to permit the introduction or expansion of a nonconforming use. A single family detached house is permitted as a matter of right within the R-1-B zone. Therefore, the proposed application will not permit the introduction or expansion of a nonconforming use.

In sum, the Applicant has failed to meet all of the "special conditions" under § 223.2, in particular, sub-sections 223.2(b) and (c).

The Board is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended; D.C. Official Code § 1-9.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. For the reasons stated in this Decision and Order, the Board finds the ANC's advice to be persuasive.

In reviewing a special exception application, the Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board finds OP's advice to be persuasive.

For the reasons stated above, the Board concludes that the applicant has failed to meet the burden of proof with respect to the application for a special exception under § 223.

Therefore, for the reasons stated above, the application for a special exception is **DENIED**.

VOTE: 4-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. by absentee ballot, and John A. Mann II, in favor of the motion to deny; and no Zoning Commission member having participated in the application)

Vote taken on November 1, 2005

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

Each concurring member has approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: MAY 09 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17425-A of 14T, LLC, pursuant to 11 D.C.M.R. §§ 3104.1 and 3103.2, for variances from the floor area ratio requirements under Section 771, lot occupancy requirements under section 772, residential recreation space requirements under section 773, residential setback requirements under subsection 1902.1(b), nonconforming structure provisions under subsection 2001.3, and a special exception from the rear yard requirements under subsection 774.2, for renovation and construction of an addition allowing a mixed use (retail/residential) building in the Arts/C-3-A District at premises 1832-1840 14th Street, N.W. (Square 206, Lots 231 and 822).

HEARING DATE: February 14, 2006
DECISION DATE: February 14, 2006 (Bench Decision)
DECISION DATE ON MODIFICATION: May 2, 2006

MODIFICATION OF APPROVED PLANS
SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 D.C.M.R. § 3113.2.

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) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a letter in support of the application. The Office of Planning submitted a report in support of the application.

REQUEST FOR MODIFICATION OF APPROVED PLANS

The above-captioned application was approved by the Board of Zoning Adjustment (Board) by Order No. 17425, dated March 6, 2006. On March 31, 2006, the applicant filed a Request for Modification of Approved Plans. The modification involves the relocation of proposed parking from a basement level (which was to be excavated under the historic structures), to the ground floor level, accessible at street-grade. Several other portions of the basement and first floor plans were affected by the relocated parking, namely:

1. The reduction in parking spaces provided from thirty-one (31), approved by the Board, to thirty (30);

2. The Reduction in the number of residential units from thirty-eight (38) approved by the Board, to thirty-seven (37);
3. Conversion of the units remaining on the ground-floor level from residential to live/work "Artist Housing" as permitted by Section 1901.1 and 1908.1(d) of the Zoning Regulations;
4. Reduction in the retail gross floor area from 6,000 square feet, approved by the Board, to 4,830 square feet; and
5. Elimination of the loading berth, shown on the original application approved by the Board, which, pursuant to 11 D.C.M.R. § 2200.5, is not required.
6. Relocated parking spaces from the P-1 level to the ground floor.

The applicant submitted revised plans shown as Exhibit 34 in the record. Further, the applicant submitted additional plans noting an elevation change on the ground floor level, shown as Exhibit 35 in the record.

A modification of approved plans is allowed with Board approval under the provisions of Section 3129 of the Zoning Regulations. By memorandum dated May 1, 2006, noted in the record as Exhibit 36, the Office of Planning stated that they had reviewed the proposed changes and stated that the "requested changes do not appear to have any effect on the requested variances or on the justification provided for support of the relief. As such, OP has no objection to the modification."

The Board concludes that the requested modification of plans was timely filed pursuant to subsection 3129.3, is minor in nature, and does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 D.C.M.R. §§ 3101.6 and 3129.1, the Board has determined to waive the requirement of 11 D.C.M.R. § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that the **MODIFICATION OF APPROVED PLANS** be **GRANTED** subject to the revised plans (Exhibits No. 34 and 35) in the record.

VOTE: 5-0-0 (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, present and voting to approve, Curtis L. Etherly, Jr. and Gregory Jeffries voting to approve by absentee vote).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 05 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17435 of Gamblin & Sons Hauling, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to allow a commercial trash and construction company having an outdoor yard for truck parking under subsection 330.5, in the R-4 District at premises 702-706 17th Street, N.E. (Square 4510, Lot 826).

HEARING DATE(S): March 7, 2006, April 4, 2006
DECISION DATE: May 2, 2006

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 6A. The ANC submitted a report in support of the application. OP submitted a report in opposition to the application.

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 pursuant to 11 DCMR §§ 3103.2.

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 the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 330.5, 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 § 3101.6, 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. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be for **FIVE (5) YEARS**.
2. All parts of the lot shall be kept free of refuse and debris.
3. Landscaping shall be provided and maintained in a healthy growing condition and in a neat and orderly appearance.
4. The parking lot shall be properly secured when it is not in use.

VOTE: **3-0-2** (Geoffrey H. Griffis, John A. Mann II, and Ruthanne G. Miller to approve, Curtis L. Etherly, Jr. and the Zoning Commission member not hearing the case, not voting)

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

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: May 3, 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, 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.

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

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ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17435-A of Gamblin & Sons Hauling, pursuant to 11 DCMR § 3104.1, for a special exception to allow a parking lot under section 213, in the R-4 District at premises 702-706 17th Street, N.E. (Square 4510, Lot 826).

Note: The Board amended the application to require relief from the special exception provisions under section 213 (Parking Lots).

HEARING DATE(S): March 7, 2006, April 4, 2006
DECISION DATE: May 2, 2006

CORRECTED SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 6A. The ANC submitted a report in support of the application. OP submitted a report in opposition to the application.

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 pursuant to 11 DCMR §§ 3104.1.

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 213, 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 § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of

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fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be for **FIVE (5) YEARS**.
2. All parts of the lot shall be kept free of refuse and debris.
3. Landscaping shall be provided and maintained in a healthy growing condition and in a neat and orderly appearance.
4. The parking lot shall be properly secured when it is not in use.

VOTE: 3-0-2 (Geoffrey H. Griffis, John A. Mann II, and Ruthanne G. Miller to approve, Curtis L. Etherly, Jr. and the Zoning Commission member not hearing the case, not voting)

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

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: May 3, 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, 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

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17456 of Jubilee Housing Inc., pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, and pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (50 Children and 16 Staff) under section 205, in the R-5-B District at premises 2525 Ontario Road, N.W. (Square 2565, Lot 805).

HEARING DATE: April 18, 2006

DECISION DATE: May 2, 2006

SUMMARY ORDER**SELF-CERTIFIED**

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

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) 1C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C, which is automatically a party to this application. ANC 1C submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

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 a special exception under section 205. 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 205, that the requested relief 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.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR § 3103.2, (2101.1) that there exists an

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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 § 3101.6, 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 be **GRANTED SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **THREE (3) YEARS**.
2. There shall be a maximum of 50 children at the center at any one time, with a maximum total enrollment of 150 students.
3. The maximum number of staff shall be 16.
4. The Applicant shall maintain the trash area on the grounds of the Ontario House. The trash area shall be walled on three sides and gated on the fourth. The walls and floor shall be concrete and/or masonry with an area drain for ease of cleaning. At the trash area, a concrete slab, on grade, shall be provided to allow for daily cleaning of the area.
5. Low mounted "yard lights" shall be provided to illuminate the grounds of the property and security of the building. These lights may be supplemented with low walkway lights for special affects. Each door opening shall have a glowing light for security.
6. At the entry of the building, poured in place, scored concrete shall provide an impervious surface for the day to day entry walk from the street to the facility. In the play area, wood chips of soft water permeable surface shall be provided. At the planter box, concrete pavers set in sand shall be provided around the sand area. Along the north side of the property, the tricycle area shall have a recycled rubber paving material typically found in children's play areas.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G Miller and John A. Mann II to approve; Curtis L. Etherly, Jr. and Gregory N. Jeffries to approve by absentee ballot)

BZA APPLICATION NO. 17456

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 08 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, 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.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17458 of Johnson Memorial Baptist Church, pursuant to 11 DCMR § 3103.2, for a variance to allow church programs not conducted within an existing church building under subsection 216.3, and pursuant to 11 DCMR § 3104.1, a special exception to allow the use of an existing building for church programs (Sunday school classes and a computer training program) under section 216, in the R-2 District at premises 746 Ridge Road, S.E. (Square 5388, Lot 51).

HEARING DATE: April 18, 2006

DECISION DATE: May 2, 2006

SUMMARY ORDER

SELF-CERTIFIED

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

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) 7E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. ANC 7E submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

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 a special exception under section 216. 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 216, that the requested relief 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.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the applicant

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has met the burden of proving under 11 DCMR §§ 3103.2, (216.3) 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 § 3101.6, 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 be **GRANTED SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **THREE (3) YEARS**.
2. The maximum number of students shall be 12.
3. The hours of operation shall be 10 a.m. to 3 p.m., Monday through Friday.
4. The computer training program shall be located in the basement of the building.
5. Trash pick-up shall be on Mondays.
6. The Applicant shall lay an elevated concrete platform for the trash receptacle and enclose the receptacle in a shed. The Applicant shall place a fence around the enclosed trash receptacle.
7. The area around the trash receptacle shall be monitored and kept clean at all times.
8. The Applicant shall carpet the steps and the floor area on the first and second floors. The Applicant shall use a noise absorbing carpet pad on the floors and steps to further reduce noise.
9. Signs shall be placed at strategic locations throughout the house reminding guests to avoid loud talking and excessive noise.
10. The church shall make its parking lot accessible to persons participating in the computer training program.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller and John A. Mann II to approve; Curtis L. Etherly, Jr. and Gregory N. Jeffries to approve by absentee ballot)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 08 2006

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UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, 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.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17461 of Paul M. Homan, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 403, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow an addition to an existing single-family semi-detached dwelling in the R-1-B District at premises 1832 24th Street, N.W. (Square 2506, Lot 43).

Note: The Board found that the relief from the lot occupancy requirements (Section 403) was not needed.

HEARING DATE: May 2, 2006
DECISION DATE: May 2, 2006. (Bench Decision)

SUMMARY ORDER**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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) 2D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2D, which is automatically a party to this application. ANC 2D did not submit a report or participate in this application. However, the Office of Planning (OP) submitted a report in support of the application.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, (2001.3) 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 § 3101.6, 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 be **GRANTED**.

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VOTE: 3-0-2 (Geoffrey H. Griffis, John A. Mann II and Ruthanne G. Miller to approve; Curtis L. Etherly, Jr. and a Zoning Commission Member not present, not participating)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: ~~MAY 05 2006~~

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE

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TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

TWR

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17466 of 2109 10th Street Associates LLC, pursuant to 11 DCMR § 3103.2, for a variance to allow a reduction in the required amount of residential recreation space under section 773, serving an existing apartment house in the ARTS/C-2-B District at premises 2109 10th Street, N.W. (Square 358, Lot 9).

HEARING DATE: May 9, 2006
DECISION DATE: May 9, 2006 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 1B. The ANC submitted a report in support of the application. The OP submitted a report in support to the application.

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 pursuant to 11 DCMR §§ 3103.2. 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 the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 773, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship 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 § 3101.6, 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. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John G. Parsons to approve).

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

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: May 10, 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17469 of Emerging Capital Properties LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the residential recreation space requirements under section 773, a variance from the open court width requirements under section 776, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow an addition to a proposed 4 unit apartment building in the C-2-A District at premises 241 Florida Avenue, N.W. (Square 3098, Lot 63).

HEARING DATE: April 25, 2006
DECISION DATE: April 25, 2006 (Bench Decision)

SUMMARY ORDER**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

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) 5C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. ANC 5C submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, (772, 773, 776 and 2001.3) 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 § 3101.6, 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 be **GRANTED**,

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SUBJECT to the **CONDITION** that the exterior façade of the new construction shall not be constructed of vinyl siding; a higher quality building material shall be used.

VOTE: 4-0-1 (Ruthanne G. Miller, John A. Mann II, Curtis L. Etherly, Jr. and Geoffrey H. Griffis to approve; no Zoning Commission Member participating)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 01 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITION 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.

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,

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RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

TWR

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17471 of Paul Heavey, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition with roof deck to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403) in the R-4 District at premises 309 K Street, N.E. (Square 775, Lot 33).

HEARING DATE: May 9, 2006
DECISION DATE: May 9, 2006 (Bench Decision)

SUMMARY ORDER**SELF-CERTIFIED**

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

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) 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. ANC 6C submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

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 under section 223. 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 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.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by

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findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John A. Mann II, and John G. Parsons to approve).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: May 9, 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT.

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DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF SPECIAL PUBLIC MEETING

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled a Special Meeting for Thursday, May 18, 2006, at 6:00 P.M., to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001).....	\$16.00
3	DCMR ELECTIONS & ETHICS (JUNE 1998)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995).....	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002).....	\$26.00
6A	DCMR POLICE PERSONNEL (MAY 1988).....	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986).....	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988).....	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998).....	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999).....	\$33.00
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*.....	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR CONSTRUCTION CODES SUPPLEMENT (2003)	\$25.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984).....	\$7.00
14	DCMR HOUSING (DECEMBER 2004)	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998).....	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT.....	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990).....	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*.....	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998).....	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986).....	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES (AUGUST 2004)	\$10.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003).....	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985).....	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988).....	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004).....	\$10.00
29	DCMR PUBLIC WELFARE (MAY 1987).....	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004)	\$16.00

OTHER PUBLICATIONS

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1997 - 1998 Indices	\$52.00 + \$5.50 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$628.00
D.C. Register yearly subscription.....	\$195.00
Rulemaking Handbook & Publications Style Manual (1983)	\$5.00
*Supplements to D.C. Municipal Regulations	\$4.00

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