

**DISTRICT OF COLUMBIA
OFFICE OF THE MAYOR
OFFICE ON AGING**

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2005 Ward 8 Lead Agency Grant Program

The Government of the District of Columbia, Office on Aging is soliciting applications from qualified applicants to provide a full array of services and activities that are designed to enhance the overall health and well-being of the District's Ward 8 elderly population, aged 60 and above. Services for this population should include:

- Counseling
- Health Promotion
- Weekday Congregate Meals
- Weekday Delivered Meals
- Weekend Home Delivered Meals
- Literacy
- Nutrition Counseling
- Nutrition Education
- Socialization
- Transportation to Sites & Activities
- Transportation of Meals

A total of \$ 500.000 is available for funding one successful applicant to serve senior citizens in Ward 8 of the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

Applicants who apply to this Request for Application (RFA) must design services to meet the complex and ever-changing needs of the elderly, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Friday, July 13, 2004 and the deadline for submission is Friday, August 24, 2005 at 5:00 p.m. A Pre-Application conference will be held on July 20, 2004, from 10:00 am-12:00 noon at the D.C. Office on Aging Conference Room 940 South. Applications can be obtained from the D.C. Office on Aging, 441 4th Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than Friday, July 19, 2004.

Community Academy Public Charter School**NOTICE: REQUEST FOR MANAGEMENT SERVICES**

The Board of Trustees of Community Academy Public Charter School (CAPCS), in accordance with Section 31-2801-2853.91 of the District of Columbia School Reform Act of 1995, is soliciting bids for a school management organization to provide educational services and management operations for CAPCS beginning in July 2004. CAPCS is duly authorized by the DC Board of Education to operate a public charter school serving preschool through secondary students. It currently serves preschool through grade 8. CAPCS' expansion to four campuses beginning in the 2004-2005 school year requires a higher level of coordination and centralization. CAPCS has chosen to be a strong force in the community it serves, providing educational excellence and opportunities for students and their families. The management organization must reflect that focus in its programs and operation. The management organization will be selected on the basis of its professionalism and its ability to enhance CAPCS' educational and community programs and to provide cost-effective and efficient administrative and management services. Prior charter school management experience is required. For additional information on detailed responsibilities, contact Sue Marshall at 801 Pennsylvania Ave., SE, Suite 360, Washington, DC 20018-2627 or suemarshall@erols.com. **Final bids are due no later than July 2, 2004. Early bids are encouraged.**

DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES

Notice in the Public Interest

The Director of the Department of Human Services announces the relocation of the agency's headquarters from 2700 Martin Luther King Jr. Avenue, S.E., Washington, D.C., to 64 New York Avenue, N.E., 6th Floor, Washington, D.C. The effective date of the relocation is June 7, 2004. The following offices are included in the relocation. The main number for the Department of Human Services is (202) 671-4200.

Office of the Director	(202) 671-4355
Office of the General Counsel	(202) 671-4371
Office of the Chief Financial Officer	(202) 671-4200
Office of Administrative Support	(202) 671-4360
Office of Communications and Public Affairs	(202) 671-4423
Office of Labor Relations	(202) 671-4414
Office of Grants Management	(202) 671-4404
Office of Contracts and Procurement	(202) 671-4396
Developmental Disabilities Council	(202) 671-4492
Office of Human Resources	(202) 671-4396
Community Outreach	(202) 671-4200

**Paul Public Charter School
5800 Eighth Street, NW
Washington, DC 20011**

Request for Proposal

Paul Public Charter School is seeking proposals from qualified contractors for the installation of 40 window air conditioner units in classrooms (electricity/wiring to be performed by another contractor) Proposals will be accepted on Friday, July 9th, 2004 by 4:00 PM. Formal RFP and bid specifications will be available beginning Monday, June 21, 2004 by contacting Mr. Francis Pickford at 202-378-2255.

**Two Rivers Public Charter School
Temporary Administrative Office
622 6th Street, NE
Washington, DC 20002
Phone: 202-546-4597**

NOTICE: REQUEST FOR BUSINESS SERVICES

Two Rivers Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals to provide business services in the areas of book keeping, accounting, budgeting, and internal financial control. Additional information can be obtained by calling 202-546-4597 or e-mailing toddri@verizon.net and referencing Business Services. Full proposals are due at the above address by Wednesday July 7th, 2004 at 5 PM.

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

Application No. 16921-B of Celia Berg and Jack Benson pursuant to 11 DCMR § 3104.1 for a special exception to allow a rear addition to a single-family dwelling under section 223, not meeting the lot occupancy (section 403), rear yard (section 404), and nonconforming structure (subsection 2001.3) requirements in the R-2 District at premises 4432 Faraday Place, N.W. (Square 1582, Lot 190).

HEARING DATE:	October 8, 2002
DECISION DATE:	October 29, 2002
ORDER DATE:	March 24, 2003
RECONSIDERATION DECISION DATE:	May 6, 2003
ORDER ON RECONSIDERATION DATE:	October 6, 2003
MODIFICATION DECISION DATE:	April 6, 2004

ORDER ON MODIFICATION

Preliminary matters. By order dated March 24, 2003, the Board granted a special exception under section 223 of the Zoning Regulations requested by the owners of the property that is the subject of the application, Celia Berg-Benson and Jack Benson (collectively, "Applicant"), to allow construction of a one-story addition to the rear of their single-family detached house at 4432 Faraday Place, N.W. (Square 1582, Lot 190). In addition to the Applicant, the parties in this proceeding are Advisory Neighborhood Commission 3E and Kathleen Beckwith, the owner of property abutting the subject property, who opposed the application.

Kathleen Beckwith submitted a timely motion for reconsideration and request for a stay of the Board's order. No party filed an answer in opposition or in support of the motion. At a public meeting on May 6, 2003, the Board denied the motion (Order No. 16921-A, October 6, 2003).

On February 23, 2004, the Applicant submitted a motion for modification of approved plans, along with a request to waive the six-month requirement set forth in § 3129.3 of the Zoning Regulations. The Board granted the waiver, finding good cause and no prejudice to any party. The Applicant also submitted letters from the immediate neighbors of the subject property – at 4428 and 4436 Faraday Place, and at 4423 and 4425 Fessenden Street, NW., which share an alley with the subject property – indicating no objections to the Applicant's proposed modification. In her letter, dated February 23, 2004, Kathleen Beckwith stated that the proposed modification reflected less encroachment into the rear lot setback and a lower roof height than in the plans approved by the Board.

Modification of Plans. The Applicant's proposed revised plans provide for a 16-foot rear yard setback, rather than the setback of eight feet, six inches from the addition (and five feet, six inches from the rear stairs) in the original plans. Other changes affect the stairway, which would be moved from the southern (rear) edge of the addition to the west side, providing better access to the driveway; and the roof line of the new addition, which would be pitched and fall away from the main structure to a lower level at its deepest point in the rear yard, presenting a less imposing structure visually and improving the flow of light and air. The modified design is consistent with the architectural and aesthetic integrity of the house's original construction.

The Board concludes that the Applicant's proposed modification of plans is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application. The requested modification improves the design of the planned addition and addresses the concerns expressed by the party who opposed the initial application.

Accordingly, it is therefore **ORDERED** that the motion for modification of plans, as shown on Exhibit No. 46 of the record, is **GRANTED**.

VOTE: 3-0-2 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., and David A. Zaidain to approve; Carol J. Mitten, not present, not voting; Ruthanne G. Miller, not voting, not having heard the case).

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

Each concurring Board member approved the issuance of this order.

FINAL DATE OF ORDER: MAY 20 2004

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. MN/RSN

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

Application No. 17137 of 1515 15th Street, LLC, Jacob A. Kamerow, Trustee & Edith Kaplan, Trustee, pursuant to 11 DCMR § 3101.2, for a variance from the lot occupancy requirements under section 772, a variance from the area requirements pertaining to residential recreation space under section 773 and a variance from the loading requirements under section 2201, to construct a seven story residential building with ground floor and below grade retail and service uses in the Arts/C-3-A District at premises 1515 15th Street, N.W. (Square 209, Lot 100 (also known as A&T Lots 919-921)).

HEARING DATE: April 13, 2004

DECISION DATE: April 13, 2004 (Bench Decision)

MODIFIED SUMMARY ORDER

SELF-CERTIFIED

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

The Board requested, and the Applicant agreed at the hearing, that the Applicant will set forth the conditions of the District Department of Transportation Report (Exhibit No. 29) that pertain to loading and on-street truck deliveries in the Public Offering Statement and purchase and sale agreements of the condominium documents so that residential and retail unit purchasers and lessees and the association of unit owners are apprised of these conditions.

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 the variances requested pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 772, 773 and 2201 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**.

VOTE: 4-0-1

(Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II, and Anthony J. Hood, to approve; Curtis L. Etherly, Jr., not present, not voting).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JUN 04 2004

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.

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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.

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 D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.1 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. 17158 of JBG/Rockwood 1101 K, LLC, pursuant to 11 DCMR § 3104.1, for a special exception to reduce the number of required parking spaces (from 161 spaces to 121 spaces) by twenty five percent (25%) under section 2108, serving a proposed mixed use office/retail building in the DD/C-2-C and DD/C-3-C District at premises 1101 K Street, N.W. (Square 316, Lots 817 and 818).

HEARING DATE: May 18, 2004
DECISION DATE: May 18, 2004 (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) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F 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 § 2108. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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 2108, that the requested relief can be granted, subject to the conditions set forth below, 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.

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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**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Anthony J. Hood, John A. Mann II, Ruthanne G. Miller, Curtis L. Etherly, Jr., 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 20 2004

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.

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,

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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. 17159 of Michael and Catherine Ryan, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing single family semi-detached dwelling under section 223, not meeting the side yard requirements (section 405), in the R-1-B District at premises 5104 Sherrier Place, N.W. (Square 1415, Lot 29).

HEARING DATE: May 18, 2004
DECISION DATE: May 18, 2004 (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) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D 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 § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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, subject to the conditions set forth below, 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.

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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**.

VOTE: 5-0-0 (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, Curtis L. Etherly, Jr., Anthony J. Hood 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 20 2004

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.

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,

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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. 17161 of Chiswell D. Langhorne, Jr., pursuant to 11 DCMR § 3104.1, for a special exception to allow a second story glass enclosed (conservatory) addition to an existing single family detached dwelling under section 223, not meeting the side yard requirements (section 405) in the R-1-B District at premises 1680 31st Street, N.W. (Square 1281, Lot 31).

HEARING DATE: May 25, 2004
DECISION DATE: May 25, 2004 (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) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E submitted a letter 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 § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, 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, subject to the conditions set forth below, 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.

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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**.

VOTE: 5-0-0 (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, Curtis L. Etherly, Jr. and Gregory Jeffries 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 28 2004

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.

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,

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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. 17162 of Jim and Mary Bennett, pursuant to 11 DCMR § 3104.1, for a special exception to renovate an existing accessory carriage house under section 223, not meeting the nonconforming structure requirements (subsection 2001.3), in the R-3 District at premises 1557 33rd Street, N.W. (Square 1272, Lot 872).

HEARING DATE: May 25, 2004
DECISION DATE: May 25, 2004 (Bench Decision)

DISMISSAL 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) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E submitted a report that addressed a neighboring property owner's concerns with the application. The ANC report noted that "We appreciate the refurbishment of the structure and encourage the project's completion". The Office of Planning (OP) submitted a report in support of the application. The OP report noted that it "believes the magnitude of this alteration should be permitted as a matter-of-right as permitted under § 2001.2".

Section 2001.2 of the Zoning Regulations permits "ordinary repairs, alterations, and modernizations to the structure, including structural alterations," as a matter-of-right. Therefore, such repairs, alterations, and modernizations do not trigger the need for zoning relief.

The applicants plan to repair, alter, and modernize an existing dilapidated 2-story carriage house on their property. The building will house a wine cellar, a library, and a full bath, all permitted accessory uses to a single-family dwelling. The applicants are not increasing the lot occupancy or the gross floor area of the building. They are increasing the height by approximately 1 foot, 5 inches, but this increase is necessitated by, and is part of, the modernization of the building. The Board finds that the applicant's plans fall within § 2001.2. The Board

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therefore concludes that no zoning relief is necessary and respectfully disagrees with the determination of the Zoning Administrator to the contrary. Accordingly, this application should be dismissed.

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 **DISMISSED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, Gregory Jeffries and John A. Mann II, to dismiss the application).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JUN 04 2004

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."RSN

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