

Before the Board of Zoning Adjustment, D. C.

Application No. 12131, of the Government of Bolivia, pursuant to Sub-section 8207.2 of the Zoning Regulations, for further processing of a Planned Unit Development under Sub-section 7501.4 to permit the construction of an addition to an existing building to be used as a Chancery in the R-5-A District at the premises 3012 Massachusetts Avenue, N. W., (Square 2147, Lot 821).

HEARING DATE: April 21, 1976

DECISION DATE: April 21, 1976 (from the Bench)

FINDINGS OF FACT:

1. The subject property is located in the R-5-A District and is presently used by the Bolivian Embassy.

2. The Government of Bolivia purchased the property involved in this application some years ago and has used the existing structure as its Embassy. It has been part of long-range planning by the Government of Bolivia to locate its new chancery upon the land involved in this application.

3. There will be approximately twenty (20) persons located in the chancery. At present, they are located in an office building at 1625 Massachusetts Avenue, N. W. and it is intended that the Chancery and Embassy be located at one location.

4. The proposed use will be that of a Chancery as that term is defined in the Act of October 13, 1964 and as provided in the Zoning Regulations.

5. The Chancery observes normal office hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. The Chancery is normally closed Saturday, Sunday and holidays.

6. For a building of this size the Zoning Regulations specify 16 parking spaces. The plans herein provide for 16 parking spaces.

7. The Chancery has been designed to be compatible with the existing buildings adjacent to the site. The height does not exceed two (2) stories. The whole of the exterior of the Chancery will be faced with stucco to relate to the color and texture of the adjoining building.

8. The Bolivian Ambassador's residence is the nearest building to the proposed Chancery. The new Chancery will fully respect the existing character of the neighborhood.

9. On January 15, 1968, the Zoning Commission adopted Order No. 67-51 approving the Article 75 application for a Planned Unit Development for a chancery enclave for the Governments of Bolivia, Brazil, Great Britain and New Zealand. This Order predated the current Article 75 Regulation which was adopted July 1, 1969. Under the Regulations in effect prior to July 1, 1969, no zoning change to the R-5-C District was required for a Chancery to be constructed as a Planned Unit development. The Board, therefore, has jurisdiction to further process this application under Section 7501.

10. On November 4, 1968, this Board in Application No. 9768, involving the application of the Government of Brazil, approved the first construction under Zoning Commission Order No. 67-51. The Board in Order No. 9768 provided the following:

1. This Order shall not become effective until covenants are recorded by Brazil, Britain, New Zealand and Bolivia covering development of the entire project as approved by the Zoning Commission January 15, 1968 (Z.C. 67-51).
2. All development approved by the Zoning Commission shall be completed by January 1, 1979, unless such time is extended by the Zoning Commission upon receipt of the proper application on behalf of the effected Government in accordance with Sub-section 7501.8.
3. The Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by paragraph 7501.79 of the Zoning Regulations.

11. The covenants (required under Article 75) directed by this Board to be prepared have been recorded in the Office of the Recorder of Deeds among the land records of the District of Columbia. The covenant of the Government of Bolivia was recorded April 7, 1969 in Liber 12981, at Folio 51.

12. In compliance with Paragraph 7501.41 of the Zoning Regulations, the applicant has submitted the following:

- a. Drawings G-1, A-1, A-2 show the floor plans for the building. Drawing A-2 shows the four Chancery elevations.
- b. Drawing G-1 shows the roof plan.

c. Drawing G-1 shows the final grade and drainage plan for the development.

d. Drawing G-1 shows the planting and landscape plan for the site.

e. Drawing G-1 shows the finished site plan with the exact location of new Chancery.

13. A detailed inspection of the subject site and surrounding area show to the north the site abuts the British Embassy; to the south is the Brazilian Embassy; to the east is Massachusetts Avenue across which is the Embassy and Chancery of South Africa; to the west along Whitehaven Street, well removed and well screened from the New Chancery building is the former Renchard residence, now owned by the Brazilian Government. Other uses located in the square include the chanceries for Great Britain, Brazil and New Zealand.

14. The proposed Chancery building will be completely in harmony with the character of the surrounding area. The new Chancery at the front entrance is approximately 22 feet in height, occupies only 9% of the site, is situated to the rear of the residence, and designed as to scale and material to blend and harmonize with the surrounding area.

15. No adjoining or neighboring property will, in any way, be adversely affected by the granting of the relief requested, and there was no opposition to the application.

16. The Board received the staff report from the Municipal Planning Office dated April 20, 1976. Pursuant to authority granted by Section 1.3 of the supplemental Rules of Practice and Procedure, the Chairman waived Section 3.41 of the Rules to receive the report of the Municipal Planning Office even though it did not meet the five day requirement. The MPO found that applicant's plans are in accord with the elements and guidelines set forth in the Zoning Commission's Order in Case No. 67-51 dated January 15, 1968, and recommended approval subject to the widening of a driveway from ten feet to 14 feet.

CONCLUSIONS OF LAW AND OPINION:

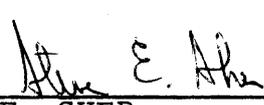
The Board's review of the detailed plans submitted reveals that they are, substantially in accord with the submission approved by the Zoning Commission in its Order dated January 15, 1968 (Z.C. File No. 76-51). It is thus found to be in harmony with the objectives of Section 7501 of the Zoning Regulations and is in accordance with the intent of the Zoning Commission for this development. The landscaping, planting, screening and drainage plans were found to be satisfactory. It is therefore ordered that the above application for further processing be GRANTED subject to the following conditions:

1. That all development approved by the Zoning Commission shall be completed by January 1, 1979, unless such time is extended by the Zoning Commission upon receipt of a proper application on behalf of the effected government in accordance with Paragraph 7501.34.
2. That the Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by paragraph 7501.49 of the Zoning Regulations.
3. The order of the Board shall be valid for a period of 18 months. ~~within~~ such period the plans shall be filed for the purpose of securing a building permit.

VOTE: 4-0 (Martin Klauber, Leonard McCants, William S. Harps and McIntosh to GRANT, Lilla Burt Cummings not present not voting).

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

ATTESTED BY: _____


STEVEN E. SHER
Secretary to the Board

FINAL DATE OF ORDER: APR 29 1976

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

APPLICATION NO. 12151 of the Government of Bolivia for further processing of a Planned Unit Development to permit the construction of an addition to an existing building. The property is in the R-5-A District; at 3012 Massachusetts Avenue, N.W., Square 2147, Lot 821; and in ANC - 3C. Filed pursuant to Sub-section 8207.2 of the Zoning Regulations under Sub-section 7501.4 and Z.C. Case No. 67-51.

HEARING DATE: April 20, 1977

DECISION DATE: April 20, 1977 (Bench Decision)

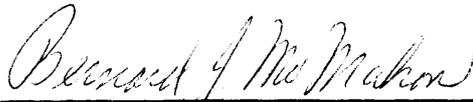
By letter of April 19, 1977, William R. Joyce, Jr., Esq. on behalf of the Government of Bolivia, applicant herein, requested the Board's permission to WITHDRAW the application. Mr. Joyce advised the Board that the applicant had abandoned its plans for further construction. Accordingly it is

ORDERED that the application is WITHDRAWN

VOTE: 4-0 (William F. McIntosh, Walter B. Lewis, Charles Norris and Leonard L. McCants, Esq.)

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

ATTESTED BY:



Bernard J. McMahon
Secretary

FINAL DATE OF ORDER: 4-27-77

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12131 of the Government of Bolivia, for further processing of a Planned Unit Development to permit the construction of an addition to an existing building. The property is in the R-5-A District; at 3012 Massachusetts Avenue, N.W., Square 2147, Lot 821; and in ANC - 3C. Filed pursuant to Sub-section 8207.2 of the Zoning Regulations under Sub-section 7501.4 and Z.C. Case No. 67-51.

HEARING DATE: April 20, 1977

DECISION DATE: April 20, 1977 (Bench Decision)

AMENDED ORDER

By final Order dated April 29, 1977, the above application was WITHDRAWN. The Order is hereby amended to read WITHDRAWN WITHOUT PREJUDICE.

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

ATTESTED BY:



ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER:

6-16-77