

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13061 of Washington Circle Theatre Corporation, et al., pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) and for a special exception under Sub-section 3308.2 to permit a roof structure not meeting the normal setback requirements in order to construct an apartment house addition at the premises 2301 Washington Circle, N.W., (Square 38, Lots 23, 25, 801, 806, 807 and 814).

HEARING DATE: August 29, 1979  
DECISION DATE: September 19, 1979

DISPOSITION: Application granted with conditions by a vote of 4-0 as to the variance (William F. McIntosh, John G. Parsons, Chloethiel W. Smith and Leonard L. McCants to grant, Charles R. Norris abstaining) and 3-1 as to the special exception (William F. McIntosh, John G. Parsons and Chloethiel Woodard Smith to grant, Leonard L. McCants opposed, Charles R. Norris abstaining).

FINAL DATE OF ORDER: November 8, 1979

FINDINGS OF FACT:

1. The Board, in its Order dated November 8, 1979, granted the application subject to the condition that the building shall be constructed in accordance with the plans submitted to the Board, marked as Exhibit No. 15 of the record, provided that the details of the fenestration and the color and texture of building materials to be used shall be as approved by the Joint Committee on Landmarks.

2. On March 4, 1980, the applicants submitted a letter with exhibits to the Board requesting a modification of the plans in the following respects:

- a. Modification to the penthouse,
- b. An additional subgrade floor,

c. Modification of the setback of the ninth and tenth floors.

The Applicant submitted detailed plans, marked as Exhibit No. 41, of the record, which it requested the Board to approve.

3. The above-referenced modifications were submitted to the Joint Committee on Landmarks. The Joint Committee reported as evidenced by report attached to the applicant's request, that it had no objection to the revised plans.

4. The applicants stated that the revisions of the plans were necessitated by the development of final structural designs which had not been prepared when the Board originally considered the case.

5. The Board finds that the modifications are minor in nature, that none of the requested modifications affect the granting of the relief previously requested, and that the changes do not affect compliance with the Zoning Regulations. The Board further finds that all of the material facts which the Board relied on in granting the application are still relevant.

6. The Vice-Chairman of ANC 2A wrote a letter to the Zoning Administrator dated February 29, 1980 stating that the ANC had reviewed the adjustments to the plans and believed that the building is substantially and for all practical purposes the same as that previously approved.

7. The issues raised by persons in opposition, as addressed by the Board in the previous order, remain unaffected by the proposed modification of plans. All of the responses of the Board are also still relevant.

CONCLUSIONS OF LAW:

The Board concludes that the modifications requested are minor in nature and do not affect the granting of the relief previously granted nor affect compliance with the Zoning

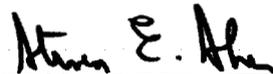
Regulations in this case. The Board further concludes that all of the material facts which the Board relied upon in granting the application are still valid. The Board concludes that the proposed changes represent normal minor deviations which occur when general architectural plans are reduced to detailed structural drawings. It is therefore ordered that the revised set of plans submitted by the applicant, marked as Exhibit No. 41 of the record, is hereby approved and shall be substituted for those originally submitted to and approved by the Board. In all other respects, the previous order of the Board dated November 8, 1979, shall remain in full force and effect.

DECISION DATE: March 5, 1980

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants to approve the modifications Connie Fortune not voting not having heard the case.)

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 19 MAR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.