

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14102, of Park Skyland, Inc., as amended, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 and Sub-section 3307.1 allowing a subdivision and new residential development comprising forty-five dwellings and variances from the prohibition against allowing an open parking space to be located within ten feet of a single family dwelling (Paragraph 7205.21), from the prohibition against allowing an open parking space to be located in the front yard of a dwelling (Paragraph 7205.12), and from the side yard requirements (Sub-sections 3305.1 and 3305.4) in an R-5-A District at premises 2400-2500 - 23rd Street, S.E., 2300-2359 Skyland Terrace, S.E. and 2400-2500 Skyland Place, S.E., (Square 5740, Lots 273-276, 286-294, 845 and 847).

HEARING DATE: March 14, 1984

DECISION DATES: April 4, 1984 and January 9, 1985

DISPOSITION: The application was GRANTED with conditions by a vote of 5-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh, Douglas J. Patton and Carrie L. Thornhill to grant). The Board subsequently granted a modification of plans by a vote of 4-0 (William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to approve; Douglas J. Patton to approve by proxy; Maybelle T. Bennett not present, not voting).

FINAL DATE OF ORDER: July 24, 1984 and February 20, 1985

ORDER

The subject application was originally granted by the Board by Order dated July 24, 1984 subject to the condition that construction be in accordance with the plans marked as Exhibit No. 38A of the record. By order dated February 20, 1985, the Board approved a request for modification of plans to permit phased development of the project to be carried out in six phases over a two year period in accordance with Ex. Nos. 47 and 47A of the record.

By letters dated January 19 and January 21, 1987, the applicant requested the Board to waive its time constraints and grant a modification of order. Section 506.2 of the Supplemental Rules of Practice and Procedure before the BZA requires a request for modification be filed not later than six months after the final date of the written order. The subject request was not filed in a timely manner. The applicant indicated that it was unable to obtain a record plat necessary for further processing of the building permits from the D.C. Surveyor's Office within the time constraints imposed by its staging plan. The Board waived the requirements of Section 506.2 of its Rules to consider the request for modification at its public meeting of February 4, 1987.

The applicant requested the Board to delete the time constraints of the approved staging plan imposed by the Board's order because of the length of time required for review and approval by the D.C. Department of Public Works of water and sewer availability and street grading. The applicant indicated that unforeseen future technical difficulties in permit processing such as have occurred in the past might hinder the completion of the project if the approved staging plan is enforced. The proposed modification of the order will not alter the project as originally approved by the Board. No further zoning relief is necessary. There was no opposition to the proposed modification.

Upon review of the record, the final order and the motion to modify, the Board concludes that the proposed modification is minor in nature and is necessary only to ensure the issuance of permits necessary for the completion of the project. The applicant needs no further relief from the Board. The zoning relief originally granted by the Board is unaltered. The material facts the Board relied on in granting the application are still relevant.

It is therefore ORDERED that the modification of order is APPROVED and that the restriction of a two year staging plan is hereby vacated. In all other respects, the Orders dated July 24, 1984 and February 20, 1985 shall remain in full force and effect.

DECISION DATE: February 4, 1987

VOTE ON WAIVER OF RULES: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to waive; Paula L. Jewell not voting, not having heard the case; Maybelle T. Bennett not present, not voting).

VOTE ON MODIFICATION: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to waive; Paula L. Jewell not voting, not having heard the case; Maybelle T. Bennett not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: APR 1 1987

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 CONSUMER AND REGULATORY AFFAIRS.

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