

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14357 of Terris J. Green, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a proposed subdivision and construction of seven row dwelling in an R-5-A District at premises 305 - 317 - 61st street, N.E., (Square 5267, Lots 47-53).

HEARING DATE: November 13, 1986

DECISION DATE: November 13, 1986 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh, and Carrie L. Thornhill to grant; Douglas Patton not present, not voting).

FINAL DATE OF ORDER: January 17, 1986

ORDER

The Board granted the application by its order dated January 17, 1986. Section 502.6 of the Supplemental Rules of Practice and Procedure before the BZA provides that approval of an application shall include approval of the plans for construction included with the application unless the Board orders otherwise. By letter received November 13, 1986, the applicant requested a modification of the plans approved by the Board's order.

Section 506.2 of the Supplemental Rules requires that a request for modification of plans must be filed no later than six months after the final date of the written order approving the application. The subject request was filed approximately ten months after the final date of the order. The applicant requested that the Board waive the requirements of Section 506.2 to accept the request for modification of plans. In support of the request for waiver of the Rules, the applicant stated that building permits were issued and construction was approximately fifty percent completed when an inspector informed the applicant that a wall inspection revealed that additional approval from the Board was required due to a lateral shift in the footprint of the project. The Board granted the request to waive its Rules at its Public Meeting of December 3, 1986.

The proposed modification of plans results in a lateral shift of the buildings approximately 4.94 feet from the eastern property line. The plans originally approved by the

Board provided for construction on the eastern property line. The proposed modification of plans was necessitated by the inability of the applicant to acquire the permission of the adjacent property owner for access over the adjacent lot for construction purposes.

The proposed modification does not require any additional zoning relief. There was no opposition to the proposed modification of plans.

Upon review of the proposed modification of plans and its final order, the Board concludes that the proposed modification to the plans previously approved by the Board is a minor deviation and does not affect the relief originally granted by the Board. The material facts the Board relied on in granting the application are still relevant.

It is therefore ORDERED that the MODIFICATION of PLANS is APPROVED and that the plans marked as Exhibit No. 29A of the record are hereby approved. In all other respects, the order of the Board dated, January 17, 1986, shall remain in full force and effect.

DECISION DATE: December 3, 1986

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, and Carrie L. Thornhill to grant; Maybelle T. Bennett to grant by proxy; Paula L. Jewell not voting, not having heard the case).

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

ATTESTED BY: 
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: DEC 11 1986

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.