

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14494, of Wheeler Hill Limited Partnership and Furman Builders (collectively, the "Applicant"), pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under paragraph 3105.42 and Section 3307 allowing a subdivision and new residential development comprising 76 single family dwellings and allowing a group of one family dwellings with division walls from the ground up to be deemed a single building and a variance to allow open parking spaces within the front yards of the dwelling (Paragraph 7205.22) in a R-5-A District at premises 701-717, 719-735, 737-757, 700-716, 718-726, 728-749, 742-756, 775-793 and 759-773 Wheeler Hills Place, S.E. (Square 5957, Lot 2).

HEARING DATE: February 25, 1987  
DECISION DATE: March 4, 1987

DISPOSITION: The Board GRANTED the application by a vote of 3-0 (John G. Parsons, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell and Charles R. Norris not voting, not having heard the case).

FINAL DATE OF ORDER: July 10, 1987

ORDER

The Board granted the application by its order dated July 10, 1987. Section 3104.1 DCMR11 provides that:

"No order of the Board authorizing the erection or alteration of a structure shall be valid for a period longer than six (6) months unless, within that period, the plans for the erection or alteration are filed for the purpose of securing a building permit."

The Board's order sets forth on page 8 that:

"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."

By motion filed on November 12, 1987, counsel for the applicant requested an extension of the period for which

Order No. 14494 is valid for an additional six month period to allow the applicant sufficient time to clarify the status of planned streets and to arrange for appropriate financing prior to applying for building permits. The applicant did not seek any change in the substantive portion of the order nor the conditions imposed.

The Board concludes that the motion is seeking a waiver from the requirements of Section 3104.1 of the Zoning Regulations.

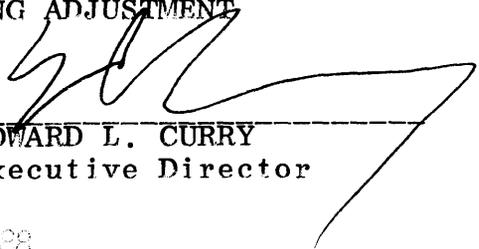
The Board further concludes that it has no authority to waive the requirements of the Zoning Regulations. Accordingly, it is ORDERED that the motion is DENIED for lack of jurisdiction. The Board notes that the applicant may proceed with the filing of an application for building permit and seek a waiver to allow the filing of a request for modification of plans at a later date, if required; or the applicant may file a new application before the Board requesting re-instatement of its prior order.

DECISION DATE: December 2, 1987

VOTE: 3-0 (William F. McIntosh, and Carrie L. Thornhill to deny; John G. Parsons to deny by proxy; Paula L. Jewell and Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

JAN 13 1988

UNDER 11 DCMR 3103.1, "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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