

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14515, of Peter Rell, as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot width requirements (Sub-section 3303.1), the lot occupancy requirements (Sub-section 3303.1) and the side yard requirements (Sub-section 3305.1) to construct a single family dwelling in a R-2 District at premises 3513 - 30th Street, N.W., (Square 2068, Lot 19).

HEARING DATE: December 10, 1986
DECISION DATE: January 7, 1987

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Charles R. Norris, Patricia L. Mathews, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: March 5, 1987

ORDER

By letter dated October 19, 1987, the architect for the applicant requested the Board to waive the requirements of Section 3335.3 DCMR 11 to accept the applicant's request for a modification of the plans approved by the Board in its order dated March 5, 1987. Section 3335.3 requires that a request for modification of plans be filed not later than six months after the final date of the written order approving the application. The request for modification of plans in the subject case should, therefore, have been filed by September 5, 1987.

The application was granted subject to the condition that construction be in accordance with the plat marked as Exhibit No 17E of the record. The applicant believed that revisions to the elevations of the proposed structure could be made as long as they were confined to the footprint shown on Exhibit No. 17E. The applicant submitted the revised plans for building permit approval within the applicable six month period. The applicant was informed on October 12, 1987 by the Acting Zoning Administrator that further review by the BZA was required. The instant request was filed on October 21, 1987. The Board waived its Rules to accept the filing of the request for modification of plans.

The proposed modification of plans would permit exterior design changes which include reconfiguration of the roof,

a reduction in the overall height of the building, and the addition of a tower at the rear of the structure. No additional variance relief is required. There was opposition to the proposed modification of plans.

Upon review of the request for modification of plans, the opposition thereto, and its final order, the Board concludes that the proposed modifications deviate substantially from the plans originally approved by the Board. The Board finds that Section 3331.7 DCMR 11 states that the approval of an application "shall include approval of the plans included with the application for the construction of a building or structure ... unless the Board orders otherwise." The Board further finds that if the proposed modification of plans is approved, the material facts relied upon by the Board in its original ruling would no longer be relevant. The Board notes that the applicant has two alternative remedies. The applicant can proceed with construction as previously approved by the Board or the applicant may file a new application for construction as proposed in the modified plans and attempt to provide at a new public hearing the basis for the granting of variance relief.

Accordingly it is therefore ORDERED that the request for modification of plans previously approved is DENIED.

VOTE: 4-0 (Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to deny; Patricia N. Mathews not present, not voting)

DECISION DATE: November 4, 1987

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: DEC 31 1987

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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