

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14635 of MACMED Limited Partnership, pursuant to Section 3108.1 of Zoning Regulations, for a special exception to establish minimum lot area and width (Section 401.3) for proposed new construction of a medical clinic in an R-5-A District at premises 4434 MacArthur Blvd., N.W. (Square 1356, Lot 31).

HEARING DATE: July 22, 1987  
DECISION DATE: September 2, 1987

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 5-0 (William F. McIntosh, Carrie L. Thornhill, Paula L. Jewell and Charles R. Norris to grant; John G. Parsons to grant by proxy).

The Board APPROVED a MODIFICATION of PLANS by a vote of 5-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons to approve by proxy).

FINAL DATE OF ORDER: December 4, 1987  
FINAL DATE OF MODIFICATION ORDER: May 5, 1988

ORDER

The Board granted the application, subject to four conditions by its Order dated December 4, 1987. Condition No. 1 provided that construction be in accordance with Exhibit No. 6, as modified by Exhibit No. 18 of the record. By order dated May 5, 1988, the Board approved a modification of the approved plans subject to the condition that construction be in accordance with Exhibit No. 26B of the record. In all other respects, the Order dated December 4, 1987 remained in full force and effect.

By letter dated May 23, 1988, counsel for the applicant requested the Board to consider a modification to Condition No. 3 of its original order from three physicians and five technicians to four physicians with a total of eight physicians and technicians. The rationale presented by counsel in support of the proposed amendment was that if each floor of the two-story structure were devoted to a separate clinic, by definition each clinic must have a minimum of two physicians in joint practice. The proposed

amendment would not change the total number of eight staff originally approved by the Board.

There was opposition to the proposed amendment of Condition No. 3. The opposition was of the opinion that the proposed increase in the number of physicians at the site would result in an increase in the amount of patient traffic to the site and increased parking demand.

By letters dated August 25 and September 6, 1988, counsel for the applicant requested a waiver of the six month requirement of Section 3335.3 for the Board to consider a modification of the previously approved plans to permit the enclosure of the entrance foyer and to glaze the second floor arched windows for security purposes. A request by the applicant to extend the upper parking deck area to accommodate two additional stacked parking spaces was withdrawn. There was no opposition to the proposed modification of plans.

The Board concludes that the proposed modification of the plans previously approved by the Board are generally minor in nature and make no substantial changes in the size, shape or configuration of the building. There will be no increase in the total number of employees on site. No additional variance relief is required. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modifications.

It is therefore ORDERED that the proposed MODIFICATION is APPROVED. Condition No. 3 of shall be amended to read as follows:

3. The operation shall be limited to four physicians, with the total number of physicians and technicians limited to eight.

The plans marked as Exhibit No. 31C of the record shall be substituted for the plans previously approved by the Board. In all other respects the Order dated December 4, 1987, shall remain in full force and effect.

DECISION DATES: June 8, and September 7, 1988.

VOTE: Public Meeting of June 8, 1988 -- 3-1 (Charles R. Norris, Paula L. Jewell and William F. McIntosh to approve; Carrie L. Thornhill opposed to the motion; John G. Parsons not present, not voting).

Public Meeting of September 7, 1988 -- 5-0 (William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons and Charles R. Norris to approve by proxy).

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

ATTESTED BY

  
EDWARD L. CURRY  
Executive Director

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

DEC 1 1997

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.

14635order/BHS