

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15156 of Paul I. and Josephine Burman, et al., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to establish offices for an international organization, nonprofit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional persons for construction of an office building with accessory parking in an SP-2 District at premises 1499 Massachusetts Avenue, N.W. (Square 212, Lot 122).

HEARING DATES: November 8, 1989 and February 21, 1990
DECISION DATES: March 7, 1990 and February 6, 1991

DISPOSITION: The Board **GRANTED** the application by a vote of 5-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell, and William F. McIntosh to grant; John G. Parsons to grant by proxy). The Board **APPROVED** a **MODIFICATION** of **PLANS** by a vote of 4-0 (Charles R. Norris, Carrie L. Thornhill and Paula L. Jewell to approve; John G. Parsons to approve by proxy; Sheri M. Pruitt not voting, not having heard the case)

FINAL DATE OF ORDER: August 17, 1990 and February 22, 1991

MODIFICATION ORDER

The Board granted the application by its order dated August 17, 1990, subject to two conditions and approved a modification of plans by its order dated February 22, 1991. By letter dated September 16, 1993, counsel for the applicant filed a motion to waive the six-month time limit to allow a modification of the approved plans pursuant to Section 3335.

The modification of plans seeks to eliminate a driveway between the residential and office components of the project and to substitute instead, a ramp to the parking levels below. The driveway and ramp area is located between Highland Terrace and a private east-west alley to the rear of the property. The applicant wishes to provide truck access to the project solely from the rear of the property by means of the private alley. Automobiles will continue to use the area previously planned as the driveway from Highland Terrace, albeit as a ramp to the underground parking levels.

The modification will facilitate development of the residential component of the project, which the applicant expects to precede the development of the office component. The apartment house component is permitted as a matter of right in the SP-2 zone. Elimination of the driveway and substitution of a ramp to lower

level parking will facilitate development of the residential component of the project. In addition, the deletion of the driveway will enhance safety by eliminating truck traffic from the front and side of the apartment house. The proposed modification will not result in any change in the "traffic barrier" which will continue to be located in the north-south private alley adjacent to the Torme Terrace West Condominium.

The modification does not result in any change to the approved building height, floor area ratio, lot coverage, grade, courts, number of parking spaces or number of loading berths of the office building as approved by the Board. There was no opposition to the proposed modification of plans.

Upon review of the request for modifications, the record in the case, and its final orders, the Board concludes that the proposed modification of plans is minor in nature and does not change the material facts relied upon by the Board in deciding the application. The special exception as originally approved is unaltered. It is therefore ORDERED that the WAIVER request and the proposed MODIFICATION OF PLANS is hereby APPROVED. In all other respects, the orders of the Board dated August 17, 1990 and February 22, 1991 shall remain in full force and effect.

DECISION DATE: October 14, 1993

VOTE: 3-0 (Carrie L. Thornhill and Paula L. Jewell to approve; John G. Parsons to approve by absentee vote; Angel F. Clarens not voting, not having participated in the case).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: NOV 24 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15156ord/RCL/LJP

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BZA APPLICATION NO. 15156

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 24 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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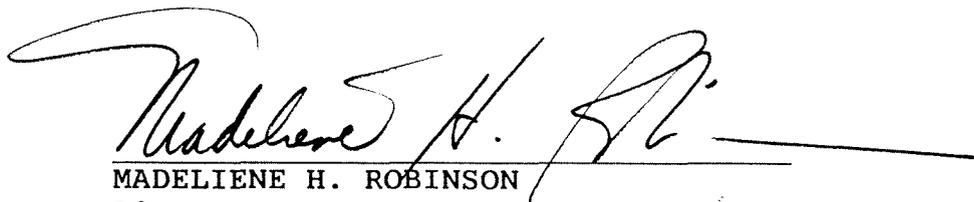
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MADELIENE H. ROBINSON
Director

DATE: NOV 24 1993