

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15169 of the Copper Beach Valley Company, N.V., pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sub-section 411.11 to allow a mechanical penthouse which does not meet the setback requirements, and a variance from the rear yard requirements (Sub-section 774.1) for construction of a retail/office building with an accessory parking garage in a C-4 District at premises 1430 K Street, N.W., (Square 218, Lots 808 and 823).

HEARING DATE: November 8, 1989
DECISION DATE: November 8, 1989 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Paula L. Jewell, Lloyd Smith, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

The Board DENIED a motion to waive 11 DCMR 3104.1 by a vote of 3-0 (Carrie L. Thornhill and Paula L. Jewell to deny; Lloyd Smith to deny by proxy; Sheri M. Pruitt and Charles R. Norris not voting, not having heard the case).

FINAL DATE OF ORDERS: May 17 and November 27, 1991

MODIFICATION ORDER

The Board granted the application by its order dated May 17, 1991. By its order dated November 27, 1991, the Board denied a request from the applicant to waive the provisions of 11 DCMR 3104.1 and extend the six month period for filing of the appropriate applications for building permits.

By letter dated November 15, 1991, counsel for the applicant filed a timely motion for modification of the approved plans. The proposed modifications would result in the removal of precast concrete sculptural ornamentation at the roof level of the north facade; the addition of detailed articulation on the east facade from the northeast corner to the first bay; and, a change of materials on the south facade to precast concrete. The proposed modifications are intended to improve the design of and enhance the compatibility of the proposed structure with surrounding development. The proposed modifications would not require any additional zoning relief. There was no opposition to the proposed modification of plans.

Upon consideration of the motion, the record in the case and its final order, the Board concludes that the proposed

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modifications are generally cosmetic and minor in nature. The proposed modification of plans does not substantially alter the project as originally approved by the Board. No additional zoning relief is required. The material facts relied upon by the Board in approving the application are still relevant.

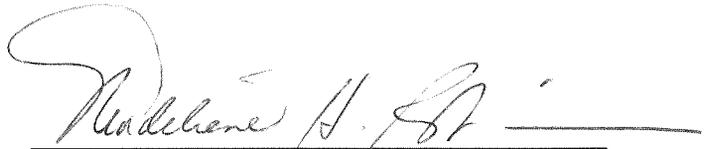
It is therefore ORDERED that the modification of plans is APPROVED subject to the CONDITION that construction be in accordance with the plans marked as Exhibit No. 33A of the record. In all other respects the order of the Board dated May 17, 1991 shall remain in full force and effect.

DECISION DATE: January 8, 1992

VOTE: 3-0 (Carrie L. Thornhill and Paula L. Jewell to approve; Lloyd D. Smith to approve by proxy; Charles R. Norris not present, not voting; Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:



MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

JAN 30 1992

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.

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."

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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.

15169Order/SS/bhs

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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 30 1992 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:

Phil Feola, Esquire
Linowes and Blocher
800 K Street, N.W.
Suite 800
Washington, D.C. 20001

Helmut Kimpel, Vice-President
ID Systems, Inc.
1413 K Street, N.W.
Washington, D.C. 20005

Clifford W. Waddy, Chairperson
Advisory Neighborhood Commission 2C
1200 S Street, N.W.
Washington, D.C. 20005

A handwritten signature in cursive script, reading "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON
Acting Director

DATE: JAN 30 1992

15169Att/bhs