

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15221 of 4563 Joint Venture, pursuant to 11 DCMR 3108.1, for a special exception under Section 2516 to allow a theoretical lot subdivision for the construction of three detached single-family dwellings in an R-1-A and R-5-B District at premises 4566-68 and 4570 Indian Rock Terrace, N.W., (Square 1367, Lot 75 (formerly lots 891 and 916)).

HEARING DATE: January 24, 1990
DECISION DATE: February 7 and March 7, 1990

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Charles Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: October 17, 1991

MODIFICATION ORDER

The Board granted the application by its order dated October 17, 1991, subject to the condition that construction be in accordance with the revised plans marked as Exhibit No. 46A, 46B and 47A of the record. By letter dated December 13, 1993, the applicant requested a waiver of the provisions of 11 DCMR 3335.3 to allow for the filing of a motion for a modification of plans more than six months after the final date of the Board's order. The request for waiver of the six-month filing requirement is necessary because, although building permit applications were filed in a timely manner, excessive carrying costs and significant changes in the real estate market precluded the applicant from proceeding with the development of the property as approved. The applicant has received an offer to purchase the property and develop it generally in accordance with the Board's approval. However, the prospective purchaser proposes to construct slightly smaller dwellings than those originally approved. The Board waived the six-month filing requirement at its public meeting of January 5, 1994.

The proposed modification of plans would reduce the size of the originally approved dwellings from 4,600 square feet and 5,600 square feet to approximately 3,800 square feet and 4,900 square feet, respectively. No further zoning relief is required and all of the provisions of the original Board order regarding access, siting, parking and height remain unaltered. There was no opposition to the proposed modification of plans.

The Board waived Subsection 3335.6 of the Board's Rules which provides that no member shall vote on a request for modification of plans unless the member participated in and voted on the original

decision. The membership of the Board has changed since the original decision in this application. Those Board members who did not participate in the original decision on this application were provided with copies of the transcript and record of the subject case for review prior to consideration of the motion for modification.

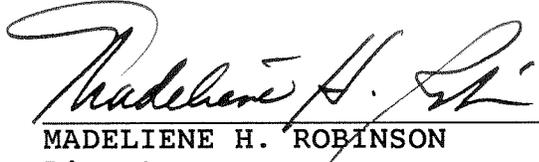
Upon review of the request for modification, the record of the case, and its final order, the Board concludes that the proposed modification of plans is minor in nature and does not change the material facts relied upon by the Board in deciding the application. The special exception as originally approved is unaltered. No additional zoning relief is required. It is therefore ORDERED that the proposed modification is APPROVED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 50C of the record. In all other respects, the order of the Board dated October 17, 1991 shall remain in full force and effect.

DECISION DATE: January 5, 1994

VOTE: 4-0 (Craig Ellis, George Evans, Laura Marie Richards and Angel F. Clarens to approve).
Craig Ellis, George Evans and Laura Marie Richards read the record to participate in this action.

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: FEB 4 1994

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.

15221Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 4 1994 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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Joe Corey, Chairperson
Advisory Neighborhood Commission
3B
P.O. Box 32312
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MADELIENE H. ROBINSON
Director

DATE: FEB 4 1994

15221Att/bhs