

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15301 of the W.C. and A. N. Miller Company, as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 2516 to allow a theoretical lot subdivision, and a variance from the provision that the area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required [Paragraph 2516.6(a)] for a theoretical lot subdivision and construction of 114 single-family detached dwellings in an R-1-A District at premises 5100 and 5102 Yuma Place; 4900 and 5153 Yuma Street; 4246, 4248, and 4330 50th Place; 4900, 4902, 4904, 4906, 4908, 4910, 5000-04, 5006, 5008, 5010, 5012, 5014, 5016, 5018-24, 5026, 5028 Warren Street; 5100-27, 5129, 5131, 5133 Warren Place; 5102-12, 5114-27, 5129, 5131, 5133, 5135, 5137, 5139 52nd Street; 4250 Fordham Road; 5102-12 52nd Court, NW., (Square 1467, Lots 868-69, 876-879, 887-894 and 896-995).

**HEARING DATE:** May 9, 1990

**DECISION DATES:** May 9, 1990, March 6 and July 10, 1991, and September 2, 1992

**DISPOSITION:** The Board **GRANTED** the application with **CONDITIONS** by a vote of 5-0 (Paula L. Jewell, Charles R. Norris, William F. McIntosh, Lloyd D. Smith and Carrie L. Thornhill to grant). The Board **APPROVED** a **MODIFICATION** of **PLANS** by a vote of 4-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; Lloyd D. Smith to approve by proxy; Sheri M. Pruitt not voting, not having heard the case). The Board **APPROVED** a second **MODIFICATION** of **PLANS** by a vote of 4-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; Lloyd D. Smith to approve by proxy; Sheri M. Pruitt not voting, not having heard the case). The Board **APPROVED** a third **MODIFICATION** of **PLANS** by a vote of 3-0 (Carrie L. Thornhill, Paula L. Jewell to approve; Lloyd D. Smith to approve by proxy; Angel F. Clarens and Sherri M. Pruitt not voting, not having heard the case).

**FINAL DATE OF ORDERS:** August 17, 1990, March 29 and July 26, 1991, and September 22, 1992

**MODIFICATION ORDER**

The Board granted the application, subject to four conditions, by its Order dated August 17, 1990. Subsequently, the Board granted three requests for modification of plans, the first by its order dated March 29, 1991, the second by its order dated July 26, 1991, and the third by its order dated September 22, 1992. By letter dated February 21, 1997, counsel for the applicant filed a request for a waiver of the six-month time period to consider a fourth modification of approved plans.

Four of the current members of the Board indicated that they had read the record in the case and were prepared to decide the waiver and modification requests.

The Board noted that the project is a very large subdivision that requires a long period of time to develop, and that the homes were being built as the developer acquired contract purchasers, thus a waiver of the six-month time period to consider a modification of plans is appropriate. The Board granted the waiver of the six-month time period by consensus.

The proposed modification will result in the consolidation of lots 989 and 990 into a single lot with an area of 17,802.20 square feet and construction of a single house on that enlarged lot. The footprint of the house to be constructed on the newly consolidated lot (989 and 990) will be consistent with the individual houses approved under the original order, but will actually reduce the overall density of the project.

Upon consideration of the motion and proposed modification, the record in the case, and its final orders, the Board concludes that the proposed modification is minor in nature and does not substantially alter the overall project as initially approved by the Board. The material facts relied upon by the Board in approving the application are still relevant. There was no opposition to the proposed modification of plans. It is therefore **ORDERED** that the modification of plans is **APPROVED, SUBJECT** to the **CONDITION** that the layout of the site shall be in accordance with the plat marked as Exhibit No. 93A of the record. In all other respects, the order of the Board dated August 17, 1990, as previously modified, shall remain in full force and effect.

**DECISION DATE:** May 28, 1997

**VOTE: 4-0** (Susan Morgan Hinton, Maybelle Taylor Bennett and Sheila Cross Reid to approve; Angel F. Clarens to approve by absentee vote; Laura M. Richards not voting not having read the record of the case).

**THIS ORDER WAS ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AT ITS SPECIAL PUBLIC MEETING ON MAY 28, 1997.**

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

ATTESTED BY:

  
**MADELIENE H. DOBBINS**  
Director

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

MAY 30 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAWS 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 OR 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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

Ord15301/MHD

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15301 of the W.C. and A.N. Miller Company, as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 2516 to allow a theoretical lot subdivision, and a variance from the provision that the area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required [Paragraph 2516.6(a) for a theoretical lot subdivision and construction of 114 single-family detached dwellings in an R-1-A District at premises 5100 and 5102 Yuma Place; 4900 and 5153 Yuma Street; 4246, 4248, and 4330 50th Place; 4900, 4902, 4904, 4906, 4908, 4910, 5000-04, 5006, 5008, 5010, 5012, 5014, 5016, 5018-24, 5026, 5028 Warren Street; 5100-27, 5129, 5131, 5133 Warren Place; 5102-12, 5114-27, 5129, 5131, 5133, 5135, 5137, 5139 52nd Street; 4250 Fordham Road; 4102-12 52nd Court, N.W., (Square 1467, Lots 868-69, 876-879, 887-894 and 896-995).

HEARING DATE: May 9, 1990  
DECISION DATES: May 9, 1990, March 6, and July 10, 1991

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

FINAL DATE OF ORDERS: August 17, 1990, March 29 and July 26, 1991

MODIFICATION ORDER

The Board granted the application, subject to four conditions, by its Order dated August 17, 1990. Subsequently, the Board granted two requests for modification of plans, the first by its order dated March 29, 1991, and the second by its order dated July 26, 1991. By letter dated August 20, 1992, counsel for the applicant filed a request for a waiver of the six-month time period to consider a modification of approved plans. The proposed

CC.  
COI  
IS