

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15337 of the South Peyton Limited Partnership, as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for special exceptions under Section 411.11 and 774.2 to allow a penthouse that does not meet the setback requirements and a waiver of the rear yard requirements and a variance to allow a loading berth in a location that will block access to the parking garage (Sub-section 2117.4) for the construction of a nine-story office/retail building in a C-4 District at premises 1808 I Street, N.W., (Square 105, Lot 23).

HEARING DATE: July 18, 1990
DECISION DATE: July 18, 1990 (Bench Decision)

SUMMARY ORDER

At the public hearing, the applicant amended the application to eliminate the variance from the rear yard requirements of Sub-section 774.1 and to add a special exception under Sub-section 774.2 for a waiver of the rear yard requirements of the C-4 District.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2A. ANC 2A, which is automatically a party to the application, submitted no written issues and concerns relative to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2117.4, and special exceptions pursuant to 11 DCMR 411.11 and 774.2. The application originally requested and was advertised for a variance from the service delivery space and loading berth requirements of Sub-section 2201.1, or in the alternative a variance from Sub-section 2117.4. The Board believes the record supports either variance but that some provision for loading facilities is necessary for the project. The Board finds that the variance to the provisions of 11 DCMR 2201.1 is not necessary to the project. No person or entity appeared at the hearing or

otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 and 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 20-A of the record.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle Taylor Bennett and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

AUG 13 1990

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."

APPLICATION NO. 15337
PAGE 3

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.

15337order/BHS24

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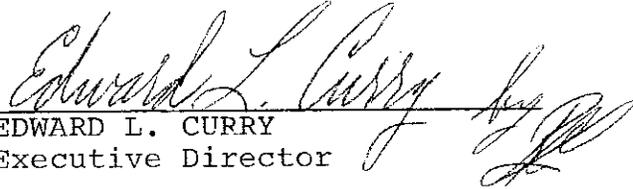
APPLICATION No. 15337

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated AUG 13 1990, and 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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Charles L. Clapp, Chairperson
Advisory Neighborhood Commission 2-A
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Washington, D.C. 20006


EDWARD L. CURRY
Executive Director

DATE: AUG 13 1990