

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 a special exception 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 from the loading berth requirements (Sub-section 2201.1), 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)

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle Taylor Bennett and Carrie L. Thornhill to grant)

FINAL DATE OF ORDER: August 13, 1990

ORDER

The Order of the Board dated August 13, 1990, granted approval of a special exception to allow a penthouse that does not meet the setback requirements (11 DCMR 411.11) and a waiver of the rear yard requirements (11 DCMR 774.2) and a variance from the loading berth requirements (11 DCMR 2201.1). By letter dated August 17, 1990, the applicant requested a modification of the Order to delete the following sentence from the fourth paragraph on the Board's Order:

The Board finds that the variance to the provisions of 11 DCMR 2201.1 is not necessary to the project.

No other changes to the Order are requested. There were no persons or parties in opposition, and no other material was filed in the record.

Upon review of the record and the final Order, the Board finds that the requested change in the Order is appropriate and consistent with the decision of the Board.

It is therefore ORDERED that the Request for Modification of the Board's Order is GRANTED. In all other respects, the Order of the Board shall remain in full force and effect.

DECISION DATE: September 5, 1990

VOTE: 4-0 (Maybelle Taylor Bennett, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell not present, not voting).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: OCT 26 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."

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15337

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated OCT 26 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Ed Donahue, Esquire  
Wilkes, Artis, Hesdrick & Lane  
1666 K St., N.W., Ste. 1100  
Wash, D.C. 20006

South Peyton Ltd. Partnership  
1747 Penn., Ave., N.W.,  
Wash, D.C. 20006

Charles L. Clapp, Chairperson  
Advisory Neighborhood Commission 2-A  
1920 G Street, N.W., #100  
Washington, D. C. 20006

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: OCT 26 1990

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