

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15340 of N.V. Ltd. Partnership pursuant to 11 DCMR 3108 and 3107.2, for a special exception under Section 2516 to allow two or more buildings on a subdivided lot, a variance to allow open space in front of the entrance to each principal building to be less than the required rear yard [Paragraph 2516.5(b)], a variance from the provision that ingress or egress shall not be included in the area of any theoretical lot, or in any yard [Paragraph 2516.6(a)], a variance from the provision that each means of vehicular ingress or egress to any principal building shall be twenty-five feet in width [Paragraph 2516.6(b)], a variance from the provision that a turning area shall be provided with a diameter of not less than sixty feet [Paragraph 2516.6(c)], a variance from the side yard requirements (Sub-section 405.9), a variance from the rear yard requirements (Sub-section 404.1), a variance from the lot width requirements (Sub-section 401.3) for a theoretical lot subdivision and construction of thirty-four single-family detached dwellings in an R-1-A District at premises in the 2500 Block of 49th Street, N.W., (Square 1397, Lots 888, 889, 892-917 and 968-992).

HEARING DATE: July 25, 1990
DECISION DATE: July 25, 1990 (Bench Decision)

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

FINAL DATE OF ORDER: August 17, 1990

ORDER

The Board granted the application by its Order dated August 17, 1990. By letter dated February 19, 1990, counsel for the applicant filed a timely request for modification. The requested modification would result in the permitted flexibility of the applicant to phase the development of the project over a period of up to ten years. There would be no change in the configuration of the project as originally approved by the Board. The applicant proposes to construct a model home at this time and to construct the remaining approved dwellings as individual purchase contracts are executed. It is not economically feasible, given the current real estate market, to construct all the approved dwellings at one time. The requested modification will allow the applicant to sell and construct approximately three or four dwellings per year in accordance with the pace of actual market absorption. There was no opposition to the proposed modification.

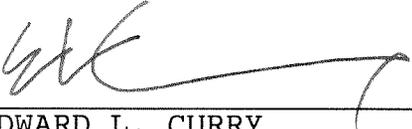
Upon consideration of the request for modification, the record in the case, and its final order, the Board concludes that the proposed modification does not alter the nature, size, shape and configuration of the project as initially approved by the Board. No additional zoning relief is required. The material facts relied upon by the Board in approving the application are still relevant. There was no opposition to the request for modification. Accordingly it is hereby ORDERED that the proposed MODIFICATION is APPROVED, SUBJECT to the CONDITION that construction of the project may be phased over a period of TEN YEARS. In all other respects the Order of the Board dated August 17, 1990 shall remain in full force and effect.

DECISION DATE: March 6, 1991

VOTE: 3-0 (Charles R. Norris, Carrie L. Thornhill and John G. Parsons to approve; Paula L. Jewell and Sheri M. Pruitt not voting, not having heard the case).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

APR 19 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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.

15340Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15340

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 19 1991 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:

Cynthia A. Giordano
Linowes & Blocher
Techworld Plaza
800 K Street, N.W.
Suite 800
Washington, D.C. 20001

Geoffrey P. Gitner
1800 K Street, N.W.
Suite 600
Washington, D.C. 20006

John Patrick Brown, Jr. Esquire
Wilkes Artis Hedrick & Lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006

Peter Rinkek
8381 Old Courthouse Road
Vienna, Virginia 22180

Frederick W. Kunkle
6835 McLean Province Circle
Falls Church, Virginia 22043

Leslie Briggs
2501 - 49th Street, N.W.
Washington, D.C. 20007

Joyce Waid, Chairperson
Advisory Neighborhood Commission 3-D
P.O. Box 40846
Washington, D.C. 20016



EDWARD L. CURRY
Executive Director

DATE: APR 19 1991

15340Att/bhs