

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15382 of the Catholic University of America, pursuant to 11 DCMR 3108.1, for a special exception under Section 210 for review and approval of a new campus plan in an R-4 and R-5-A District at premises 620 Michigan Avenue, N.E. (Square 3671, Lots 2, 3 and 802; Square 3821, Lot 816; Parcels 122/26, 122/72, 122/70, 122/71, 122/5, and 122/6; Square 3654, Lots 3, 4, 5, 6, 10, 12, 15, 16, 17, 801, 802, 803, 804, 805, 806, 809, 810 and 811; Square 3655, Lot 1; Square 3656, Lot 800; Square 3657, Lot 805, 821 and 826).

Application No. 15389 of the Catholic University of America, pursuant to 11 DCMR 3108.1, for a special exception under Section 210 for the further processing under a new campus plan (BZA Application No. 15382) to construct a law school and accessory parking garage in an R-5-A District at premises 620 Michigan Avenue, N.E. (Square 3821, Lot 816).

HEARING DATE: October 24, 1990
DECISION DATE: November 7, 1990

DISPOSITION: The Board GRANTED the applications by a vote of 4-0 (Sheri M. Pruitt, Maybelle Taylor Bennett, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case).

FINAL DATE OF ORDER: May 22, 1992

MODIFICATION ORDER

The Board granted the applications, with conditions, by its order dated May 22, 1992. By letter dated May 28, 1992, counsel for the applicant filed a timely request for a modification of the plans originally approved by the Board. The proposed modification of plans would result in the construction of an additional level of below grade parking for the new law school on the main campus as approved in Application No. 15389. At the time of the public hearing and decision on the further processing of the new law school, the applicant believed that it was economically infeasible to provide more than 309 parking spaces on one below-grade level. Subsequent to the Board's decision, the construction climate in the region changed significantly and based on the construction contract proposals that have been received, the applicant is now in a position to fund an additional level of parking for the law school for a total of up to 560 below-grade parking spaces.

The proposed additional parking level will be located entirely below grade, therefore it will not affect the approved floor area

ratio or the exterior appearance of the building. The proposed additional level of parking at this location would also promote the applicant's goal of locating parking at the periphery of the campus and phasing out further surface parking lots. The proposed modification is consistent with the campus plan approved in Application No. 15382 and will not affect the maximum parking capacity of 1,939 spaces set forth in the order.

By letter dated June 4, 1992, counsel for the applicant requested the Board to expedite its consideration of the request for modification because a delay would impair the applicant's ability to finalize construction documents and would result in a substantial increase in costs relative to the delay of the project, and would not allow for completion by the scheduled delivery date of Fall 1994. In addition, counsel for the applicant indicated that the proposed modification of plans has been examined by its traffic engineer who has determined that the proposal would not create any adverse traffic impacts.

By letter dated June 1, 1992, counsel for the applicant requested the Board to consider a modification to the campus plan as approved in BZA Application No. 15382. The proposed modification to the campus plan would allow for the construction of a central maintenance facility including a grounds maintenance building of approximately 5,000 square feet, two storage buildings of approximately 700 square feet each, fuel tank and pump operation, trash and recycling containers, and twelve parking spaces for grounds equipment and equipment storage.

The proposed construction would allow the applicant to consolidate its existing buildings and grounds maintenance operations which are currently located at sites scattered throughout the campus into a single location at the intersection of John McCormack Road and the entrance ramp onto Taylor Street. The use of the proposed site is currently projected for student housing. The proposed facility would serve as an interim use until such time as the proposed student housing is needed.

There was no response to the proposed modification of plans in Application No. 15389 or to the proposed modification of the campus plan approved in BZA Application No. 15382.

Upon consideration of the motion, the record in the case, and its final order, the Board concludes that the applicant's motion consists of two parts. With regard to the modification to the law school building, the Board concludes that the relief is minor in nature and does not substantially alter the overall campus plan as 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. It is therefore **ORDERED** that the **MODIFICATION** of **PLANS** in Application No. 15389 is hereby **APPROVED**.

BZA APPLICATION NO. 15382 & 15389
PAGE NO. 3

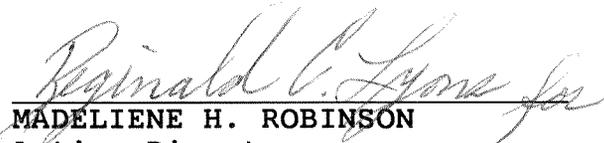
With regard to the proposed modification of Application No. 15382 to construct a central maintenance facility on the campus, the Board concludes that such request is not properly before it. The Board notes that the construction of a new facility within the boundaries of an approved campus plan would require the filing of an application for further processing pursuant to 11 DCMR 210. Accordingly, the proposed modification to Application No. 15382 is hereby DENIED.

DECISION DATE: June 10, 1992

VOTE: 3-0 (Maybelle Taylor Bennett, Sheri M. Pruitt and Paula L. Jewell to approve, in part, and deny in part; Angel F. Clarens and Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: JUL 10 1992

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."

15382.389/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15382 & 15389

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 10 1992 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:

Allison Prince, Esquire
Wilkes Artis Hedrick & Lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006

Susan Pervi
1045 Rustling Oaks Drive
Millersville, Maryland 21108

Russell Perry
4917 41st Street, N.W.
Washington, D.C. 20016

Reginald Cude
1600 20th Street, N.W.
Washington, D.C. 20009

Christopher Byrd, Chairperson
Advisory Neighborhood Commission 4D
715 Kennedy Street, N.W.
Washington, D.C. 20011

James D. Berry, Chairperson
Advisory Neighborhood Commission 5C
1723 3rd Street, N.E.
Washington, D.C. 20002

Allyson M. Muff
3219 7th Street, N.E.
Washington, D.C. 20017

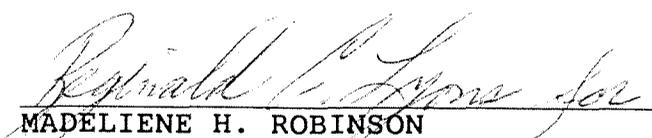
W.H. Fixsen
3303 7th Street, N.E.
Washington, D.C. 20017

James Benton
3217 7th Street, N.E.
Washington, D.C. 20017

Mara Newsome
1600 20th Street, N.W.
Washington, D.C. 20009

Robert Wilson
3201 7th Street, N.E.
Washington, D.C. 20017

Brian K. Flowers, Chairperson
ANC 5A
Slove School Demountable
14th & Irving Street, N.E.
Washington, D.C. 20017


MADELIENE H. ROBINSON
Acting Director

DATE: _____

15382Att/bhs