

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15454 of the District of Columbia Redevelopment Land Agency, pursuant to 11 DCMR 3107.2, for a variance from the lot area and width of lot requirements (Sub-section 401.3) for the subdivision and construction of two semi-detached and twenty-seven single-family row dwellings in an R-4 District at premises 105-131 Pierce Street and 1138-1166 First Street, N.W., (Square 557, Lots 60-65, 866, 867 and 884).

HEARING DATE: February 20, 1991

DECISION DATE: February 20, 1991

DISPOSITION: The Board **GRANTED** the application by a vote of 3-0 (Paula L. Jewell, John G. Parson and Charles R. Norris to grant; Carrie L. Thornhill and Sheri M. Pruitt not present, not voting).

FINAL DATE OF ORDER: February 28, 1991

MODIFICATION ORDER

The Board granted the application by its order dated February 28, 1991. By letter dated July 31, 1992, counsel for the applicant filed a request for a waiver of the six-month period to consider a modification of the approved plans. The proposed modification will result in the reconfiguration of the westernmost lot known as 131 Pierce Street. The site plan originally submitted to the Board, did not indicate that the north-south public alley contiguous to the lot juts in toward the subject lot and reduces the width of the rear portion of the lot by six feet.

The applicant was made aware of this condition during the building permit process. The error originally appeared in the site plan that was submitted to the Zoning Administrator's office for referral to the Board. As a result, the Zoning Administrator did not identify that an additional lot required a lot area and width variance. The reduction in the width of the subject lot results in a substandard minimum lot area and width of lot necessitating the Board's approval of another lot area and width variance in addition to the two lot width variances and eight lot area variances that have already been approved by the Board for the 29-unit townhouse project. The same reasons for the variances already approved by the Board apply to the variances needed for this additional lot.

Upon consideration of the motion and proposed modification, the record in the case and its final order, the Board concludes that the waiver can be granted and the proposed modification is minor in nature and does not substantially alter the overall

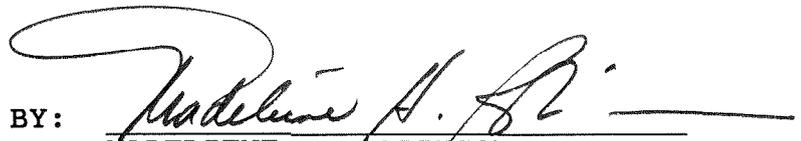
project as initially approved by the Board. The applicant requires no additional zoning relief from the Board. The Board considered the 29 unit project as a whole where as eight of the proposed lots required variances. The same lot area and width of lot variance approval can be extended to the additional lot. 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 a lot area and width of lot variance for Lot No. 1 and the modification of plans are APPROVED, SUBJECT to the CONDITION that the layout of the site shall be in accordance with the site plan marked as Exhibit No. 26-A of the record. In all other respects, the order of the Board dated February 28, 1991 shall remain in full force and effect.

DECISION DATE: September 2, 1992

VOTE: 4-0 (Paula L. Jewell, Carrie L. Thornhill and Angel F. Clarens to approve; John G. Parsons to approve by proxy; Sheri M. Pruitt not present, not voting).

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

ATTESTED BY:



MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: SEP 22 1992

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."

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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.

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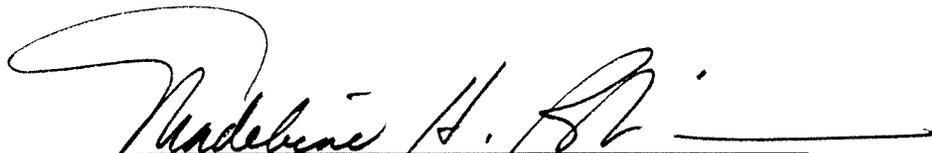
As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 22 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Cynthia A. Giordano, Esquire  
Linowes and Blocher  
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Alverta Munlyn, Chairperson  
Advisory Neighborhood Commission 2-C  
1200 S Street, N.W., #201  
Washington, D.C. 20009

  
MADELIENE H. ROBINSON  
Acting Director

DATE: SEP 22 1992