

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15460 of the Steel Partnership, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area and width of lot requirements (Sub-section 401.3), a variance from the off-street parking requirements (Sub-section 2101.1) and a variance from the side yard requirements (Sub-section 405.9) for the subdivision and construction of a single-family dwelling in an R-1-B District at premises 4909 41st Street, N.W., (Square 1757, Lot per subdivision).

HEARING DATE: February 27, 1991
DECISION DATE: February 27, 1991 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Paula L. Jewell, William L. Ensign, Sheri M. Pruitt and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

FINAL DATE OF ORDER: March 8, 1991

MODIFICATION ORDER

The Board granted the application by its order dated March 8, 1991, subject to the condition that construction be in accordance with the revised plat marked as Exhibit No. 23 of the record. On January 22, 1992, the applicant's representative requested the Board to waive Section 3335.3 of its Rules to consider a request for a modification of the plans originally approved by the Board more than six months after the final date of the Board's order. The basis for the request for a waiver of the six month filing requirement was that the applicant was unable to obtain financing for the proposed construction within the six month period. The Board waived the requirements of Section 3335.3 of its Rules to accept the request for modification of plans at its public meeting of February 5, 1992.

The request for modification of plans is needed to correct errors in calculations made by the architect on the approved plans and to modify the design of the porch to be more compatible with existing porches in the immediate area. The proposed modifications would result in a slightly larger dwelling but do not alter any of the variances granted by the Board's original approval, nor do the proposed modifications require any additional zoning relief. There was no opposition to the proposed modification of plans.

Upon consideration of the motion, the record in the case and its final order, the Board concludes that the proposed modifications are minor in nature and do not substantially alter

BZA APPLICATION NO. 15460
PAGE NO. 2

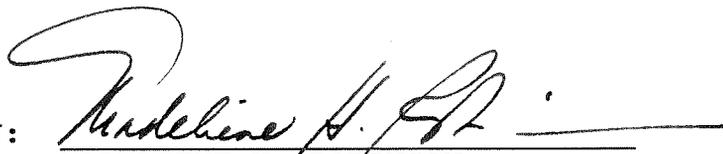
the overall project as approved by the Board. No additional zoning relief is required. The material facts relied upon by the Board in approving the application are still relevant. It is therefore ORDERED that the MODIFICATION of PLANS is hereby APPROVED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 25A of the record. In all other respects the order of the Board dated March 8, 1992 shall remain in full force and effect.

DECISION DATE: February 5, 1992

VOTE: 3-0 (Sheri M. Pruitt and Paula L. Jewell to approve; William L. Ensign to approve by proxy; 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

FEB 28 1992

FINAL DATE OF ORDER: _____

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."

BZA APPLICATION NO. 15460
PAGE NO. 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.

15460Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



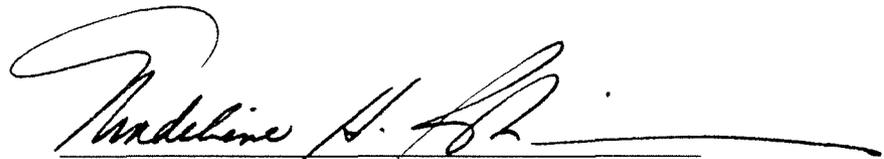
BZA APPLICATION NO. 15460

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on FEB 28 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:

Igal Stell
c/o Heidi Stel
3210 Wisconsin Avenue, N.W., #1300
Washington, D.C. 20016

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

James Curtin, Chairperson
Advisory Neighborhood Commission 3E
P.O. Box 9953
Washington, D.C. 20016


MADELIENE H. ROBINSON
Acting Director

DATE: FEB 28 1992

15460Att/bhs