

ORDER DATED
MARCH 7, 1994
#2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15461 of Chatham Lake Associates, as further amended, pursuant to 11 DCMR 3108.1 and 3107.2 for a special exception under Subsection 2514.2 to allow the regulations applicable to that portion of a lot located in a less restrictive use district to be extended to that portion of the lot in a more restrictive use district, a variance from the percentage of lot occupancy requirements (Subsection 772.1), a variance from the floor area ratio limitation for other permitted uses (Subsection 771.2), and a variance from the rear yard requirements (Subsection 774.1) for construction of a mixed use residential/commercial building in the C-2-C and R-5-B districts at premises 2501 Pennsylvania Avenue, N.W. [Square 14, Lot per subdivision (Lots 800 and 812)].

HEARING DATES: February 27, 1991, April 24, 1991,
May 24, 1991 and June 9, 1993

DECISION DATES: September 4, 1991 and June 9, 1993

DISPOSITION: On September 4, 1991, the Board GRANTED the application, with CONDITIONS, by a vote of 5-0 (Charles R. Norris, Sheri M. Pruitt, Paula L. Jewell, Maybelle Taylor Bennett and Carrie L. Thornhill to grant). On June 9, 1993, the Board GRANTED the application, as further amended, with CONDITIONS, by a vote of 3-0 (Paula L. Jewell, Sheri M. Pruitt and Angel F. Clarens to grant; Carrie L. Thornhill and Maybelle Taylor Bennett not present, not voting).

FINAL DATE OF ORDER: August 13, 1993

MODIFICATION ORDER

The Board granted the application by its order dated August 13, 1993 subject to three conditions. By letter dated January 14, 1994, counsel for the applicant filed a timely request for modification of the plans originally approved by the Board.

The proposed modification of plans would result in the modification of the window design and the location of the loading door and fire exits on the north elevation and the removal of the windows along the top floor and vertically down the rear portion of the west elevation. The proposed modification of plans is intended to make the approved plans consistent with the Board's condition requiring the removal of balconies on the north elevation and the revised floor plans contained in the plans marked as

Exhibit No. F22 of the record. In all other respects the plans remain as approved. No further zoning relief is required. There was no opposition to the proposed modification of plans.

The Board waived Subsection 3335.6 of the Board's Rules which provides that no member shall vote on a request for modification of plans unless the member participated in and voted on the original decision. The membership of the Board has changed since the original decision in this application. Those Board members who did not participate in the original decision on this application were provided with copies of the transcript and record of the subject case for review prior to consideration of the request for modification of plans.

Upon review of the request for modification of plans, the record of the case, and its final order, the Board concludes that the proposed modification of plans is generally cosmetic and minor in nature. The proposed modification of plans does not alter the material facts relied upon by the Board in deciding the application. No additional zoning relief is required. It is therefore ORDERED that the proposed MODIFICATION OF PLANS is hereby APPROVED, SUBJECT to the CONDITION that the north and west elevations of the building shall be constructed in accordance with the plans marked as Exhibit No. F41A of the record. In all other respects, the order of the Board dated August 13, 1993, shall remain in full force and effect.

DECISION DATE: February 2, 1994

VOTE: 4-0 (Angel F. Clarens, Maybelle Taylor Bennett and Craig Ellis to approve; Laura M. Richards to approve by absentee vote; George Evans not voting, not having read the record).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: MAR 7 1994

BZA APPLICATION NO. 15461
PAGE NO. 3

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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15461ord/SS/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15461

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 7 1994 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:

Christopher H. Collins, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

David Fitch
Chatham Lake Assoc.
2311 M St., N.W., Ste.501
Washington, D.C. 20035

Ranee Lewison
1112 - 25th Street, N.W.
Washington, D.C. 20037

Keyvan Ahdut
1112 - 25th Street, N.W.
Washington, D.C. 20037

Ian Howes
1112 - 25th Street, N.W.
Washington, D.C. 20037

Lillian K. Pilzer
2555 Penn. Ave., N.W.
Suite 419
Washington, D.C. 20037

Geoffrey Tyler
Foggy Bottom Historic District
Conservancy
949 - 25th Street, N.W.
Washington, D.C. 20037

David B. Bowes
2555 Penn. Avenue, N.W.
Suite 618
Washington, D.C. 20037

Charles L. Clapp, President
Westbridge Condominium Assn.
2555 Pennsylvania Ave., N.W.
Washington, D.C. 20037

Richard Price
Foggy Bottom Association
2555 Penn. Avenue, N.W.
Washington, D.C. 20037

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

Robert J. Neimic
2555 Penn. Avenue, N.W.
Suite 1018
Washington, D.C. 20037

Richard B. Nettler, Esquire
Robins, Kaplan, Miller & Ciresi
1220 - 19th Street, N.W., Ste. 700
Washington, D.C. 20036

William Taylor
2555 Penn. Avenue, N.W.
Washington, D.C. 20037

Michael J. Walden, Chair
Westbridge Condominium
Association Committee
on 2555 Pennsylvania Ave. Deve.
Washington, D.C. 20037

Westy McDermid, Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Walter Anderson
2555 Penn. Avenue, N.W. #801
Washington, D.C. 20007

Robert Kincaid
1112 - 25th Street, N.W.
Washington, D.C. 20037

Mr. Dennis Bass, Chairperson
Advisory Neighborhood Commission 2B
1347 Connecticut Avenue, N.W., #2
Washington, D.C. 20036

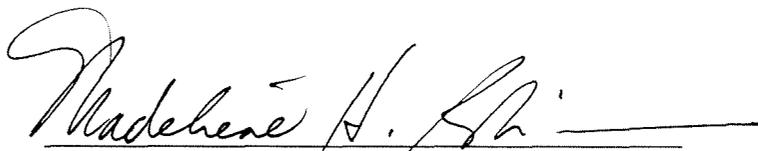
Marilyn Jackson
c/o Catolyn Okelo-Odongo
2500 Virginia Ave., N.W.
Suite 605
Washington, D.C. 20037

Lohva Wakefield
2555 Penn. Avenue, N.W.
Washington, D.C. 20037

Maria Tyler
949 - 25th Street, N.W.
Washington, D.C. 20037

Christine Garner
1112 - 25th Street, N.W.
Washington, D.C. 20037

Aimee Zelter
2555 Penn. Avenue, N.W.
Suite 607
Washington, D.C. 20037


MADELIENE H. ROBINSON
Acting Director

DATE: MAR 7 1994