

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15648 of 1108 K Street Associates Limited Partnership, pursuant to 11 DCMR 3107.2, for a variance from the use provisions requiring a minimum of 3.5 FAR of residential use [Paragraph 1706.5(b)], a variance from the rear yard requirements (Subsection 774.1), a variance from the floor area ratio limitation [Paragraph 1706.5(a)], and a variance from the off-street parking requirements (Subsection 2101.1) for construction of a 12-story retail/office building in a DD/C-3-C District at premises 1150 K Street, N.W. (Square 317, Lots 23, 24, 817 and 828).

HEARING DATES: April 22, June 17 and September 16, 1992
DECISION DATE: September 16, 1992

WITHDRAWAL ORDER

The application was originally scheduled for the public hearing of April 22, 1992. By letter dated April 20, 1992 and by representative at the public hearing, counsel for the applicant requested that the public hearing be continued to a later date to allow the applicant additional time to react to concerns which had been raised and to further refine its arguments and assertions. The Board granted the request, and the application was rescheduled for hearing at the Board's June 17, 1992 public hearing session.

By letter dated June 4, 1992 and by representative at the public hearing of June 17, 1992, counsel for the applicant requested an additional postponement of the public hearing. The request was made because the applicant was engaged in discussions with a number of downtown civic groups and property owners concerning solutions to the applicant's development hardships through the "consolidated lot" provisions of the Downtown Development District. The Board granted the request and rescheduled the application for hearing at its September 16, 1992, public hearing session.

By letter dated September 10, 1992 and by representative at the public hearing of September 16, 1992, counsel for the applicant requested an indefinite postponement of the public hearing on the application. The applicant's representative testified at the public hearing that the applicant was attempting to establish a combined lot transaction with a downtown institution under the provisions of the Downtown Development District. The applicant's representative stated that if the combined lot transaction is successful, the applicant would not need a variance from the housing requirements of the Downtown Development District, although other variance relief may still be required.

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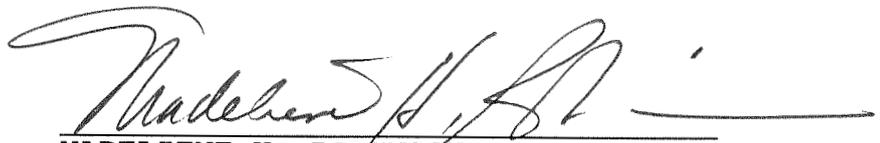
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Upon consideration of the applicant's request, the Board concludes that the applicant is not prepared to go forward with the case as advertised. In view of the number of continuances previously granted to the applicant, the Board concludes that it would be inappropriate to grant a further continuance of the application. The Board was of the opinion that a further continuance of the subject case would disrupt the scheduling of other applications currently pending review by the Board and that the application should be withdrawn to be refiled by the applicant at a later date. The applicant's representative agreed to withdraw the application.

In view of the efforts of the applicant to resolve the issues in the case, the Board concludes that the refiling of an application by the applicant should not be subject to the 90-day time period set forth in 11 DCMR 3315.8. Accordingly, it is ORDERED that the application is hereby WITHDRAWN WITHOUT PREJUDICE to refile at any time.

VOTE: 3-0 (Tersh Boasberg, Angel F. Clarens and Paula L. Jewell to grant; Sheri M. Pruitt and Carrie L. Thornhill not present, not voting).

ATTESTED BY:



MADELIENE H. ROBINSON

Acting Director

FINAL DATE OF ORDER:

OCT 30 1992

15648Order/bhs

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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 30 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:

J. Kirkwood White
Dunnells, Duvall & Porter
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3202

Richard B. Nettler, Esquire
c/o The Community of 1100 on the Federal City
1002 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Alverta Munlyn, Chairperson
Advisory Neighborhood Commission 2C
1200 S Street, N.W., #201
Washington, D.C. 20009

A handwritten signature in cursive script, reading "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON
Acting Director

DATE: OCT 30 1992

15648Att/bhs