

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15743 the of Y.W.C.A. of the National Capital Area, pursuant to 11 DCMR 3108.1, for a special exception under Section 2516 to allow a theoretical lot subdivision for construction of 22 detached single-family dwellings in an R-1-B and an R-1-A District at premises 4601-4625 and 4600-4624 Laverock Place, N.W. (Square 1356, Part of Lots 32 and 856).

HEARING DATES: December 9, 1992 and February 17, 1993

DECISION DATES: April 7 and May 5, 1993

DISPOSITION: The Board GRANTED the application with conditions, by a vote of 5-0 (John G. Parsons, Carrie L. Thornhill, Sheri M. Pruitt, Paula L. Jewell and Angel F. Clarens to grant).

FINAL DATE OF ORDER: November 17, 1993

MODIFICATION ORDER

The Board granted the application by its order, dated November 17, 1993, subject to ten conditions. Condition No. 1 of the order provided that the property shall be subdivided as shown on the plans marked as Exhibit No. 56 of the record.

By letter dated January 19, 1994, counsel for the applicant filed a timely motion for modification of the plans originally approved by the Board. The proposed modification would result in changes to the roadway and the positioning of the two cul de sacs to make the interior lots larger and more marketable; changes to the site grading to make the rear yards of specific lots flatter and more usable; and the extension of the retaining wall at the southeast end of the property. By letter dated January 26, 1994, the National Park Service, U.S. Department of the Interior, indicated that it had no objection to the proposed modification of plans based on its review of the proposed revisions.

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.

At its public meeting of February 2, 1994, the Board deferred consideration of the motion to allow the applicant an opportunity to submit additional information on the proposed revisions with respect to lots 8-10, the new retaining wall adjacent to lot 8 and access from the common area adjacent to lot 8 to the park property. By submission received February 9, 1994, counsel for the applicant responded to the concerns expressed by Board members at the public meeting of February 2, 1994. At its public meeting of March 2, 1994, the Board denied the motion for modification of plans. The Board was of the opinion that the applicant had failed to adequately address the concerns expressed by the Board at its February 2, 1994 public meeting.

By letter dated April 22, 1994, counsel for the applicant submitted a new motion for modification of the originally approved plans. The revised motion for modification of plans remained substantially the same as the original motion for modification with respect to the reconfiguration of the roadway and cul de sacs, the lot sizes, and the grading. However, the revised modification of plans significantly altered the treatment of the southeast portion of the site. The retaining wall at the southeast end of the property adjacent to Lot 8 and the eastern cul-de-sac has been revised. Rather than the one retaining wall as originally approved, which was 14 to 18 feet in height, the revised plans incorporated a three-tiered wall system. Each wall is approximately four to six feet in height and there is substantial landscape screening between the walls. The revised plans also make a number of ancillary changes to the site plan, particularly the area adjacent to Lot 8, the eastern cul-de-sac, and Lots 5, 4, 2 and 1.

The revised plan is similar to the approved plan in that there is no retaining wall adjacent to the Psychiatric Institute property. The revised plan shows the retaining wall ending at approximately the same location adjacent to Lot 5 as the originally approved plan. The revised retaining wall has the same height as the originally approved plan, with the top of the wall at elevation 94 adjacent to Lot 5. Further, the modification plan provides a stepped, three-tier retaining wall system, with appropriate landscaping, including substantial trees, on the eastern side of the site adjacent to Lot 8 and the eastern cul-de-sac. Because of the tiered retaining wall system and the landscaping, the revised retaining wall scheme presents a much softer edge with fewer visual impacts upon the adjacent property and other vistas. Similar to Condition No. 5(b) of the Order dated November 17, 1993, the trees to be planted within the retaining wall area will be selected in conjunction with the National Park Service. The retaining wall is designed to support substantial landscaping.

The modified plan allows access in several places from the eastern side of the site to the former transit right-of-way to the

south. The applicant further stated that it had discussed saving the existing trees along Clark Place at the western end of the site in the common area and sewer easement adjacent to Lot 21 with the representative of the National Park Service.

On April 29, 1994, the applicant submitted a further supplemental response resulting from continued discussions about the proposed plans with the representative of the National Park Service. After the plans were filed, the National Park Service representative requested three additional conditions, to which the applicant agreed. The three conditions proffered by the applicant in response to the National Park Service concerns are summarized as follows:

1. There shall be no staircase to Clark Place on the west end of the site.
2. The trees shown on the plans shall be a minimum of 12 feet in height at planting and will grow to 14 to 24 feet in height or greater, depending upon the species selected. Selection of the trees is to be made in conjunction with the National Park Service. The retaining wall shall be designed and constructed in order to support such trees.
3. The trees/landscaping and retaining wall shall be maintained by the homeowners association. Further, the adjacent property owner shall not be permitted to cut such trees/landscaping, even when they are within the property line (e.g. on the east side of Lot 8).

Based on the foregoing, the record in the case, and its final order, the Board concludes that the proposed modification of plans, dated April 22, 1994, is minor in nature and is consistent with the special exception relief originally approved by the Board's order, dated November 17, 1993. The Board further concludes that 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. There was no objection to the proposed modification of plans. It is therefore **ORDERED** that the proposed **MODIFICATION OF PLANS** is hereby approved, **SUBJECT** to the following **CONDITIONS**:

1. The property shall be subdivided as shown on the plans marked as Exhibit No. 56 of the record, as modified by the revised plans submitted as Exhibit No. 64A of the record.
2. There shall be no staircase to Clark Place on the west end of the site.

3. The trees shown as part of Exhibit No. 64A shall be a minimum of 12 feet in height at planting and will grow to 14 to 24 feet in height or greater, depending upon the species selected. Selection of the trees is to be made in conjunction with the National Park Service. The retaining wall shall be designed and constructed in order to support such trees.
4. The trees/landscaping and retaining wall shown as part of Exhibit No. 64A will be maintained by the homeowners association. Further, the adjacent property owner shall not be permitted to cut such trees/landscaping, even when they are within the property line (e.g. on the east side of Lot 8).
5. The applicant shall save, to the extent possible, the existing trees along Clark Place at the western end of the site in the common area and sewer easement adjacent to Lot 21.

In all other respects, the order of the Board dated November 17, 1993 shall remain in full force and effect.

DECISION DATES: February 2, March 2, and May 10, 1994

Vote of the Board taken on March 2, 1994: 5-0 (John G. Parsons, Angel F. Clarens, Craig Ellis, Laura M. Richards, and George Evans to deny the modification of plans).

Vote of the Board taken on May 4, 1994: 5-0 (John G. Parsons, Angel F. Clarens, Craig Ellis, Laura M. Richards, and George Evans to grant the revised modification of plans).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: MAY 27 1994

BZA APPLICATION NO. 15743M
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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.

15743ordm/SS/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15743

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 27 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:

John T. Epting, Esquire
Wilkes, Artis, Hedrick & Lane
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National Park Service
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Westy McDermid, Chairperson
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3265 S Street, N.W.
Washington, D.C. 20007

Joe Corey, Chairperson
Advisory Neighborhood Commission 3-B
P.O. Box 32312
Washington, D.C. 20007

A handwritten signature in black ink, reading "Madeliene H. Robinson". The signature is written in a cursive, flowing style. A horizontal line is drawn across the bottom of the signature.

MADELIENE H. ROBINSON
Director

DATE: MAY 27 1994