

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15743 of the 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 R-5-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

ORDER

SUMMARY OF EVIDENCE:

1. The subject application was originally scheduled for public hearing on December 9, 1992. By motion dated December 8, 1992, the applicant requested that the hearing be postponed to accede to a request by Advisory Neighborhood Commission (ANC) 3B for the applicant to meet again with that ANC, and to address issues raised by the United States Department of Interior, National Park Service (DOI/NPS) in a letter received by the applicant on the afternoon of December 7, 1992. The Board granted the motion and the hearing was rescheduled for February 17, 1993.

2. At the time that the application was filed, and as of the original December 9, 1992 hearing date, the site was located within the jurisdiction of ANC 3B. As of January 2, 1993, the site is located within the jurisdiction of ANC 2E. The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to both ANC 3B and ANC 2E, and to owners of property within 200 feet of the site.

3. At the commencement of the hearing, the applicant submitted a revised set of plans, dated February 12, 1993, and supplemental materials to the Board. These plans reflected modifications to address issues raised by the DOI/NPS. The Board accepted the revised plans and materials as the basis under which the application would be considered.

4. The property that is subject of this application is located at 4601-4625 and 4600-4624 Laverock Place, N.W. It is split zoned R-1-B and R-5-A.

5. The R-1-B District permits matter of right development of single-family detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of 40 feet/three stories.

6. The R-5-A District permits matter of right development of single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment (BZA), low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of 40 feet/three stories.

7. The subject property was the site of the former Hannah Harrison Institute. It is currently vacant. The property has a total land area of 218,453 square feet or is approximately five acres.

8. The subject property is located in the Palisades neighborhood of Ward 3. The Palisades neighborhood is primarily a low-density residential neighborhood. North of the site across MacArthur Boulevard, N.W., there are apartment houses in the R-5-A District. To the northwest are four-unit apartment buildings in the R-5-A District. Northeast of the subject property is the three-story Psychiatric Institute of Washington building at 4460 MacArthur Boulevard, N.W. Along the southern boundary of the subject property is the former D.C. Transit trolley line right-of-way property, and further south adjacent to Canal Road, is parkland owned by the U.S. National Park Service. Canal Road, the C & O Canal and the Potomac River are further south. As noted above, west of the site is Georgetown Day School and Clark Place, N.W. The Georgetown Day School facility consists of a one and a two-story structure fronting on Clark Place, N.W. and a soccer field that immediately abuts the subject property. It also is located two blocks east of the Georgetown Reservoir.

9. In general, the applicant proposes to subdivide the site into 22 theoretical lots which would have access from a private driveway identified as Laverock Place, N.W. having ingress/egress from and to MacArthur Boulevard to the interior of the site. Laverock Place would have a minimum width (right-of-way) of 31.33 feet, with a 30-foot minimum width from curb-to-curb. The street would be configured in a "T" shape, culminating in cul-de-sacs at the end of each arm of the "T". The cul-de-sacs would exceed 60 feet in diameter, which is specified as the minimum required diameter by the Zoning Regulations.

Each of the proposed 22 theoretical lots on the subject site would have direct access from the proposed Laverock Place, N.W., except that Lot 22 would be accessible through a 15-foot wide easement created on Lot 21. The proposed lots would range in size from approximately 5,390 to 9,749.87 square feet in land area, exceeding the minimum requirement of 5,000 square feet.

The proposed subdivision is being requested to facilitate the sale of the property by establishing development parameters for a

future owner/developer. The applicant has submitted illustrative plans showing houses on the subject site. These plans illustrate three-story, three-bedroom, single-family, detached dwellings which are allowed as a matter of right in an R-1-B District. The applicant has also provided illustrations which show the respective locations of houses on the proposed lots.

The plans further show that the proposed subdivision scheme would allow the development of the site in accordance with the requirements under the provisions for theoretical lots and the R-1-B District.

10. The applicant proposes to develop the site with 22 single-family detached dwellings pursuant to the provisions of 11 DCMR 2516 which permits the Board to approve two or more principal buildings on a single, subdivided lot, provided the following conditions are met:

- a. If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:
 - (1) The front of the building shall be the side upon which the principal entrance is located;
 - (2) Open space in front of the entrance shall be required that is equalivent either to the required rear yard in the district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;
 - (3) A rear yard shall be required; and
 - (4) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.
- b. The applicant's proposed development parameters as shown on Sheet No. C-2 of Exhibit No. 23-A, are as follows:
 - (1) Front entrance is shown by an arrow. A minimum front yard setback of 25 feet is provided.

- (2) The shaded area provided on the plans for each lot denotes area which is not buildable (building setbacks):
- (3) The remaining unshaded area of the lot denotes the buildable area. All dwellings located within this area are subject to the following requirements;
 - (a) Each dwelling shall not occupy more than 40 percent of the total lot area;
 - (b) Each dwelling shall meet the minimum eight-foot side yard requirements;
 - (c) Each dwelling shall meet the minimum 25-foot front yard setback requirements;
 - (d) Each dwelling shall meet the minimum 25-foot rear yard setback requirements;
 - (e) Each dwelling shall meet the 40-foot building height limitation (building height to be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story);
 - (f) Each dwelling shall be limited to three stories;
 - (g) One parking space shall be provided for each dwelling in a garage or carport or other permitted location on-site; and
 - (h) Each driveway shall have a maximum grade of not more than 12 percent.
- c. The applicant proposes to site the houses anywhere within the shaded area indicated as the buildable area. The "Preliminary Grading Plan" illustrates the siting of potential houses on each lot. All such houses are well within the limits of the buildable area, thereby, complying with the Zoning Regulations.
- d. The site plan also contains an "Area Tabulation" schedule, which set forth the lot number and square footage of each of the 22 lots. For the R-1-B zone district, the Zoning Regulations specify a minimum lot area of 5,000 square feet. The lots range in size from 5,390 to 9,749.87 square feet.

These lot sizes exclude the areas provided for common driveway access and utilities.

- e. Additionally, the applicant presented conceptual plans for typical uses. These conceptual plans were proposed by a developer under a previous contract to purchase the site. That contract has lapsed. Nevertheless, the applicant will be bound by these plans for purposes of the application and will market the property with these plans as part of the BZA approval. While the plans indicate a typical housing type and design which could be constructed on-site, flexibility to vary the house layout is requested to meet site conditions, as long as the house is sited within the buildable area. A proposed condition of the order to approve this limited flexibility is requested.
- f. The 22 lots proposed for the subject property meet the conditions of Section 2516.6, accordingly:
 - (1) The area of land that forms a covenant means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title. The applicant's plans comply with this provision. The lot area of each of the 22 lots was calculated independent of the abutting roadway; Laverock Place, N.W. In addition, the ingress/egress/utility easement to Lot 22 was subtracted from the lot area calculation for Lot 21. This easement area also was excluded from the side yard calculations for Lot 21.
 - (2) Each means of vehicular ingress or egress to any principal building shall be 25-feet in width. The applicant's plans comply with this provision. The new street providing access (Laverock Place, N.W.) to the building lots exceeds 25 feet in width. The minimum width, right-of-way, for Laverock Place, N.W. is 31.33 feet, with a 30-foot minimum from the face of the curb.
 - (3) If there are not at least two entrances and/or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than 60 feet.

(4) The proposed street system providing access to the building lots has three turning areas. Each has a diameter of not less than 60 feet. The turning areas include the triangular area at the center of the roadway and two cul-de-sacs; in combination, the turning areas provide easy vehicular access and egress.

g. Regarding net density, the most significant indicator of net density is the number of houses proposed for the site. For the R-1-B zone district, a minimum lot area of 5,000 square feet is required. According to the applicant, each of the 22 lots proposed exceeds the minimum lot area. In terms of gross numbers, with a site area of 218,453, the average lot size for 22 lots is 9,930 square feet. (Forty-three lots could be developed on the site based on the site's square footage). Deducting the area of the roadway (38,937 square feet) as required by the Zoning Regulations, yields a net land area of 179,516 square feet. For twenty-two lots, the average net lot area is 8,160 square feet which exceeds the 5,000 square-foot minimum lot area standards for the R-1-B District.

11. Pursuant to Section 2516.9, the applicant maintains that the proposed subdivision will not adversely affect the present character and future development of the Palisades neighborhood. In support of this contention, the applicant submits that:

- a. The proposed project is an in-fill development of a large site for single-family housing in a residential area not presently devoted to single-family dwellings;
- b. Each dwelling unit will provide off-street parking for at least one car. The required parking space will be located in a garage, carport or other permitted location on-site. In addition, the lots will provide additional parking in the driveway. Based on the level of parking available on-site, there will be no additional demand for on-street parking created in the surrounding neighborhood; and
- c. No significant additional demand for City services will be created by the project. The access roadways will be designed and constructed to DPW specifications, will be open to the public and maintained by the homeowner's association for the subject property. The

District presently requires the applicant to provide typical municipal services, including trash collection, snow removal and roadway maintenance, at its own expense. The City will, however, obtain significant new tax revenue from both property and income taxes from the proposed development.

12. Pursuant to Section 3108.1, the applicant argues that the proposed project will create in-fill development for single-family housing that is compatible with the surrounding neighborhood. The applicant claims that its thoughtful site and land use planning, and landscaping will assure an exceptional residential project that contributes positively to the character of the neighborhood.

According to the applicant, the proposal is permitted as a special exception, provided that the appropriate requirements are met. In the applicant's view, the proposal is consistent with the intent and purpose of the Zoning Regulations.

13. On December 2, 1993, the Office of Planning (OP) recommended approval of the subdivision plan. Although OP opined that the proposed subdivision of the site into 22 theoretical lots would not impact the surrounding area adversely, OP's approval was subject to the following conditions:

- a. The perimeter landscape shall be provided as illustrated in the applicant's proposal;
- b. The minimum landscaping for each house shall be provided as depicted in the applicant's proposal;
and
- c. The single-family detached houses to be constructed on the proposed lots shall meet all the applicable requirements of the R-1-B District regulations.

14. On August 7, 1992, the Department of Employment Services of the District of Columbia indicated that it had reviewed the application and offered no objection to the proposed subdivision.

15. On August 18, 1992, the Department of Finance and Revenue of the District of Columbia stated that it had reviewed the application and offered no objection to the proposed subdivision.

16. On September 9, 1992, the Office of the Superintendent of District of Columbia Public Schools notified the Board that it had reviewed the application and offered no objections to the proposed subdivision.

17. On November 13, 1993, the Office of Business and Economic Development of the District of Columbia indicated that it had reviewed the application and offered no objection to the proposed subdivision.

18. On November 23, 1993, the Department of Housing and Community Development of the District of Columbia offered no objection to the proposed subdivision.

19. On December 4, 1992, the Department of Public Works of the District of Columbia notified the Board that it had reviewed the application and offered no opposition to the subdivision plans.

20. On February 9, 1993, Advisory Neighborhood Commission 2E (ANC-2E) (formerly ANC-3B) submitted a letter to the Board wherein ANC-2E set forth its unanimous opposition to the proposed theoretical subdivision. ANC-2E opposes the theoretical subdivision for the following reasons:

- a. the applicant did not submit bona fide development plans;
- b. the applicant does not have a bona fide developer;
- c. the lack of community input into the urban design component of the proposed subdivision; and
- d. the proposed theoretical subdivision is "frivolous" and a waste of the Board's time because a potential developer would propose "unique development plans," which requires additional Board review.

21. On December 17, 1992, Advisory Neighborhood Commission 3B (ANC-3B) submitted a letter to the Board wherein ANC-3B set forth its unanimous opposition to the proposed theoretical subdivision.

ANC-3B opposes the proposed theoretical subdivision because the applicant does not propose to develop the site; it only seeks to enhance the marketability of the site. Further, the ANC contends that it "cannot fulfill its responsibility under DCMR 2516 because there are no concrete development plans."

22. On December 7, 1992, the United States Department of Interior, National Park Service (DOI/NPS), which has jurisdiction over the adjacent Potomac Palisades Parkway, the Chesapeake & Ohio Canal National Historic Park and the George Washington Memorial Parkway submitted a letter in opposition to the proposed subdivision.

DOI/NPS opposes the proposed subdivision because, according to DOI/NPS, the project would have a "severe and unmitigatable impact

[on] the natural parklands...." As to the negative impact, DOI contends that, under the proposed subdivision, houses will be located in a street that was proposed, but unbuilt, in the 1902 MacMillan Plan. Additionally, DOI/NPS claims that the siting of the houses would obliterate the vegetated escarpment of the Potomac Gorge Ridge which abuts the proposed subdivision. Further, according to DOI/NPS, the subdivision plans do not address environmental issues, such as storm water management.

In testimony at the hearing, the DOI/NPS stated that the revisions to the plans and proposed conditions offered by the applicant adequately addressed the DOI/NPS concerns about the development of the site. The DOI/NPS requested that the colors of the houses not be bright white or equally bright color, but earth tone or colors in shade and hue that are not considered bright. This would be for both the mass facade colors and trim. Building height restriction should be defined as proposed by the applicant, and any architectural embellishments, be within the forty foot envelope. No structure should be permitted beyond the building setback line, other than the at-grade patio or deck requested by the applicant.

The DOI/NPS submitted for the record as Exhibit No. 48 a scenic easement to serve as a model for the easement proposed for the site. The DOI/NPS requested that the easement be finalized prior to issuance of the building permit for the development of the houses. The DOI/NPS stated that it would be willing to hold the easement.

In terms of storm water management, specifically in terms of Lot 8, the DOI/NPS requested that the applicant consult with the District of Columbia to develop a storm water management plan that responds to the downstream concerns of the DOI/NPS.

23. While Advisory Neighborhood Commission 3D (ANC-3D) submitted comments on the proposed subdivision, ANC-3D's comments will not be given great weight, because the ANC's report does not meet the requirements of Section 3307.1.

24. On December 9, 1992, the Georgetown Day School ("GDS"), a neighbor of the applicant, submitted a letter to the Board whereby GDS stated its support of the proposed subdivision.

25. The National Capital Planning Commission (NCPC), by report and testimony at the hearing, recommended that a forty-foot building setback from the right-of-way of Potomac Avenue (eighty-feet from the property line) be established. This recommendation was based upon the DOI/NPS original letter. The representative of the NCPC noted that the applicant had revised its plans and was continuing to negotiate with the DOI/NPS.

The NCPC noted that because the applicant and the DOI/NPS were still negotiating various issues at the time of its February 4, 1993 meeting, the NCPC would consider the application again at its March 4, 1993 meeting. NCPC requested that the Board's record be held open to receive information from the March 4th NCPC meeting. The Board granted that request.

26. At the public hearing held on February 17, 1993, the record was left open until March 3, 1993, for the applicant to submit additional material. The applicant's submission included: (1) the detailed site and landscape plan (sheets C-1 through C-4, prepared by A. Morton Thomas and Associates, the illustrative section through the southern portion of the site, the table showing existing and proposed grades and elevations and the revised metes and bounds description of the easements on the site); (2) typical front and rear elevations for houses, prepared by Angelos Demetriou and Associates; and (3) a composite rear elevation for the fourteen houses facing the southern property line.

27. The applicant also included the conditions which it proposes to have the Board include in the order approving the application. Those conditions are based on those submitted to the Board at the hearing, revised to address issues raised at the hearing.

28. The NCPC considered the application at its meeting on March 4, 1993, and submitted an additional report to the Board on that date. That report essentially approves the plans and agreements proffered by the applicant, which have the support of the DOI/NPS, as filed with the Board on March 3, 1993.

29. The applicant has reviewed the NCPC's March 4th report and states that all of the comments raised by NCPC are addressed in the applicant's proposed findings of fact and conclusions of law. In terms of additional screening and the definition of the location of any possible patios or decks in relation to the existing tree root system, the applicant notes that these issues are to be addressed prior to issuance of a building permit for the development under its proposed Condition No. 5(b). Condition No. 5(b) provides that the applicant and the Superintendent, Rock Creek Park, DOI/NPS must reach agreement upon the appropriate number, quality and spacing of trees prior to construction of the houses. This would include the identification of the existing tree cover, if necessary.

In terms of NCPC's request that additional information be included on the site plan for enforcement and recordation, the applicant's March 3, 1993, plans show with precision the requested information as to lot configurations, escarpment line, location of fences, etc.

FINDINGS OF FACT:

1. The applicant, Y.W.C.A. of the National Capital Area, pursuant to 11 DCMR 3108.1, petitioned the Board for a special exception under Section 2516 to allow a theoretical lot subdivision for the construction of 22 detached single-family dwellings in an R-1-B and R-5-A District at premises 4601-4625 and 4600-4624 Laverock Place, N.W.

2. The applicant's proposed 22 dwelling units as set forth in its theoretical subdivision plan comply with the zoning provisions set forth in Sections 2516.1 through 2516.10. Further, the Board has mitigated any possible negative impact of the proposed subdivision through requiring the applicant's compliance with certain conditions, as the Board is authorized to do under Section 2516.11.

3. The Board finds that Potomac Avenue is a highway plan street which is not a dedicated public right-of-way. The ability to develop, through the theoretical lot provisions of the Zoning Regulations, multiple buildings on Assessment and Taxation (A&T) lots, rather than on a record lot, is well established and has previously been addressed by the Office of Corporation Counsel in a June 22, 1978 opinion.

4. The applicant's proposal to develop the property has been designed in a manner that meets the reasonable concerns of the DOI/NPS and the NCPC, but also allows the applicant to proceed with this development.

5. The Board concurs with the applicant, the Office of Planning, the other District agencies, the DOI/NPS and NCPC, and finds that the application meets the standards for approval and does not adversely impact the surrounding area, including the adjacent parklands.

6. In terms of the concerns of ANC-3B and ANC-2E that the applicant is not a developer, the Board finds that the applicant has the experience and background necessary to develop the site, if necessary. Further, the Board is of the opinion that the Zoning Regulations do not require that the actual developer proceed with theoretical lot approval. In almost all instances, it is the property owner that seeks approval, as required in the Board's regulations.

7. In terms of the ANCs' concerns about the design of the houses, the Board finds that the plans for the project provides sufficient detail to review the application and notes that front and rear elevations of the proposed houses have been submitted, as well as a conceptual elevation indicating the rear of the houses

along the southern property line. In addition, with the intensive screening proposed for the southern property line, the other proposed on-site landscaping and how the site is buffered from the adjacent residential areas, the Board finds that the overall urban design of the proposal meets the standards of approval.

CONCLUSIONS OF LAW AND OPINION:

A special exception is a use that is predeemed compatible with other uses in the same zone district. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with the enumerated requirements for special exception relief. If the applicant meets its burden of proof, the Board ordinarily must grant the application. Washington Ethical Society v. D.C. Board of Zoning Adjustment, 421 A.2d 14, 17 (D.C. 1980); Stewart v. D.C. Board of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973).

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant requests a special exception, the granting of which requires a showing of substantial compliance with the criteria set forth in 11 DCMR 2516 and 3108.1.

The Board further concludes that the applicant has met its requisite burden of proof. The subject site is large enough to provide more than the minimum area requirements for each of the proposed 22 subdivided lots. The proposed subdivision meets each of the criteria set forth in 11 DCMR 2516.

The Board further concludes that the applicant's plans which provide for the construction of 22 detached dwellings are in keeping with the general character of the immediate neighborhood and are less likely to have an adverse impact on the light, air, and privacy of adjoining and nearby properties.

The Board further concludes that, as conditioned, the approval of the requested special exception relief is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of neighboring property.

The Board further concludes that it has given the Advisory Neighborhood Commission's evidence and testimony the "great weight" to which it is entitled.

Accordingly, it is **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The property shall be subdivided as shown on the plans marked as Exhibit No. 56 of the record.

2. The proposed dwellings shall be constructed in accordance with the typical floor plans and elevations marked as Exhibit Nos. 54 and 55 of the record, provided that the applicant shall have the flexibility to modify plans to make the houses fit the dimensions, configuration and final grades of the lots shown on the approved site plan. The applicant is granted the further flexibility to vary the architectural details of the elevations, including but not limited to the type and location of windows and doors, balconies, fireplaces, porches and other projections and final selection of materials. The brick, trim and other building materials used shall be earth-toned and natural colors. Bright white and bright or primary colors which contrast with the landscape shall be avoided.
3. The proposed dwellings shall be constructed behind the building setback line shown on the plan filed as Sheet C-3, dated March 3, 1993, provided that construction may take place within the ten-foot sewer easement established adjacent to the Georgetown Day School and shown on Sheet C-2 of the plans, dated March 3, 1993, marked as Exhibit No. 56 of the record.
4. Between the building setback line and the tree preservation line, patios at grade and decks at or below the main floor shall be permitted.
5. The applicant shall establish a tree preservation and screening area. This area shall be located between the southern property line and the tree preservation line shown on the plan filed as Sheet C-3, of the plans marked as Exhibit No. 56 of the record. The following conditions shall apply:
 - a. A 36-inch high split rail fence designed to serve as a physical but not a visual barrier, shall be erected on the northern edge of the area, to serve as a physical and psychological barrier to protect the area. Such fence shall be permanent, with no gate.
 - b. Within the area, prior to commencing construction of any houses, the applicant and the Superintendent, Rock Creek Park, National Park Service shall enter into an agreement with respect to appropriate number, quality and spacing of trees within the area. This agreement shall be submitted to the Zoning

Administrator prior to the issuance of a building permit for any of the proposed dwellings and shall indicate which existing trees would be maintained, which existing trees would be removed, if any, and the location and type of new trees to be planted. The general configuration of the area shall be as shown on the typical plans and sections entitled "Typical Lot Layout Schematic" and "Typical Lot Section Schematic" dated February 12, 1993, included in the plans marked as Exhibits No. 51-F and G of the record.

- c. The applicant shall enter into an easement agreement for the area, which would run with the land, for the benefit of the National Park Service or the District of Columbia, to ensure the preservation of the area. A copy of such easement shall be submitted to the Zoning Administrator prior to the issuance of a building permit for any of the proposed dwellings and shall be filed into the record of the case before the Board.
6. During construction, the applicant shall erect a permanent construction fence on a line ten feet south of the building setback line, and shall take all other measures necessary to prevent heavy construction activity from extending more than ten feet past the building setback line. In no case shall the construction fence extend past the tree preservation line. Any grading or work past the ten-foot area shall be required to be performed by hand. No construction storage shall occur south of the building setback line. The construction fence shall not be removed until after completion of the construction of the proposed dwelling on each individual lot.
7. All lots which abut the southern property line shall be graded so as not to increase the runoff towards the escarpment.
8. The maximum height of each house shall not exceed the height set forth in the table marked as Exhibit No. 58 of the record. The height shall be measured from the curb at the middle of the front of the house to the highest point of the roof. Any architectural embellishments, such as towers, parapets, etc., shall be included within the maximum height. Chimneys may exceed the other-

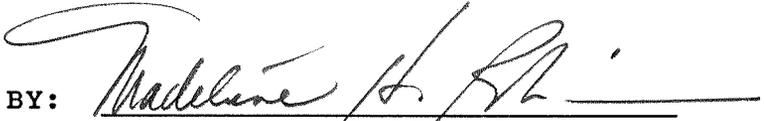
wise permitted height. Antennas may be permitted as specified in the Zoning Regulations.

9. If the applicant, or successors in interest, should subsequently determine to install a vehicular gate at the entrance of the subject property, that gate shall be set back at least 100 feet from the curb of MacArthur Boulevard, N.W.
10. Individual lot landscaping shall be as shown on the plans marked as Exhibit No. 51C of the record.

VOTE: 5-0 (John G. Parsons, Carrie L. Thornhill, Sheri M. Pruitt, Paula L. Jewell and Angel F. Clarens to grant).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

NOV 17 1993

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.

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 NOV 17 1993 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:

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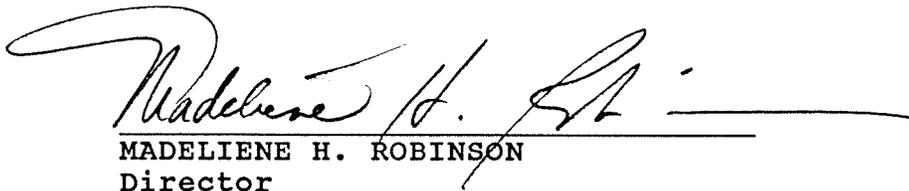
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MADELIENE H. ROBINSON
Director

DATE: NOV 17 1993

15743Att/bhs