

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16316 of The Catholic University of America, pursuant to 11 DCMR 3108.1 for a special exception under Section 210 for further processing of an approved campus plan to allow additions to an existing dining hall at premises 620 Michigan Avenue, N.E. (Square 3821, Lot 43).

HEARING DATE: February 18, 1998
DECISION DATE: February 18, 1998 (Bench Decision)

DISPOSITION: By Order dated March 9, 1998, the Board **GRANTED** the application by a vote of 4-0 (Betty King, Susan Morgan Hinton, Jerrily R. Kress and Sheila Cross Reid to grant).

MODIFICATION ORDER

The Board initially granted the application by its Order dated March 9, 1998 to allow additions to an existing dining hall on the campus of Catholic University. By letter dated September 21, 1998, counsel for the applicant filed a motion to waive the six-month filing requirement and a motion for modification of approved plans.

THE WAIVER REQUEST:

Pursuant to 11 DCMR 3301.1, the Board may waive its rules where good cause is shown and where the Board determines that granting the waiver will not prejudice the rights of any party.

In this case, the applicant is requesting that the Board waive Section 3335.3 which requires an applicant to file for a modification of plans within six months of the final date of the Board's order. Under the Board's Rules, to be timely this motion should have been filed by September 9, 1998. The motion was filed September 21, 1998, only twelve days after the six-month time limit had run. It is the applicant's position that to waive this rule will not prejudice any party to the application.

The Board granted the waiver of the six-month filing requirement and allowed for the submission of the modification motion.

THE MOTION FOR MODIFICATION OF PLANS:

The motion for modification of approved plans must meet the requirements of Section 3335. Specifically, the test for review under Subsection 3335.7 states "Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon in approving the application."

The applicant stated that the proposed modification of plans involves a decrease in the size of the approved addition to the North Dining Hall. Specifically, the modification of plans will eliminate the originally proposed addition on the south side of the structure, and reduce the footprint on the north side from the approved 3,405 square feet to 1,920 square feet. The applicant maintained that the changes are minor and that a hearing on the matter would not be warranted. The applicant also pointed out that there was no opposition to the original application and that no opposition was expressed to the modified proposal.

Counsel for the applicant also requested permission to construct a minor accessory building to accompany an existing storage facility on Catholic University's campus. The Board initially granted permission for the storage facility pursuant to Application No. 15922, by its Order dated April 15, 1994. The applicant stated that the proposed one-story building will contain a total gross floor area of 320 square feet. It will be located at the northeast quadrant of the campus near the intersection of Taylor Street and Brookland Avenue, N.E. Because of the planned location for the new accessory building in the far northeastern corner of Catholic University's campus, near the intersection of two major streets, and across from the Metrorail tracks, the applicant maintained that it will have virtually no impact on abutting or nearby property owners.

Advisory Neighborhood Commission 5C submitted no comments on the proposed modification of plans or the construction of the minor accessory building.

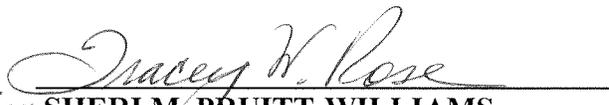
Upon consideration of the motion for waiver of the six-month filing requirement, the Board determines that the waiver is for a minimal time period and should be approved. The Board concludes that the proposed modifications to the approved plans are minor in nature and do not materially change the facts relied upon in deciding the initial application. The Board concludes that the size of the North Dining Hall addition will be reduced and the proposed accessory building will be small and unobtrusive.

In light of the foregoing, it is **ORDERED** that the motions for waiver and modification of plans are **APPROVED, SUBJECT** to the **CONDITION** that **construction shall be in accordance with the letter from Wilkes, Artis, Hedrick & Lane, dated September 21, 1998 with attached plans marked as Exhibits A and C.** In all other respects the previous orders of the Board shall remain in full force and effect.

DECISION DATE: October 7, 1998

VOTE: 3-0 (Sheila Cross Reid and Betty King to grant; Jerrily R. Kress to grant by absentee vote; Jerry H. Gilreath not voting, not having heard the case).

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

ATTESTED BY: 
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Final Date of Order: JAN 22 1999

PURSUANT TO D.C. CODE § 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 TWO YEARS 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO.: 16316

As Interim Director of the Office of Zoning, I hereby certify and attest that on JAN 22 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison C. Prince, Esquire
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Attested by: *Shari M. Pruitt-Williams*
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Date: JAN 22 1999

Attest/SO 16316/POH