

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 423A

Case No. 83-11C

(PUD - Ashmeade Associates)

May 19, 1988

The Zoning Commission for the District of Columbia, by Z.C. Order No. 423 dated March 12, 1984, approved an application from Ashmeade Associates for consolidated review of a Planned Unit Development (PUD) for lots 310 and 801 in Square 2536 located at 2001-2003 Columbia Road, and 2010-2014 Wyoming Avenue, N.W.

Z.C. Order No. 423 approved the construction, preservation, and renovation of a residential development for a maximum of thirty-one (31) apartment units.

Counsel for the applicant, by letter dated March 31, 1988, requested the Zoning Commission to waive the requirement of 11 DCMR 3029.5 (1987) that a motion for reconsideration must be filed within ten days of the date that an order becomes final, to allow for the reconsideration of the approved plans associated with Z.C. Order No. 423.

The applicant requests the Zoning Commission to approve a modification of the approved plans that would allow for the construction of a trash chute, in lieu of an approved trash storage room. The applicant indicated that the construction of the trash chute would affect an increase in the approved maximum floor area ratio (FAR); that is, from 3.41 to 3.46. The lot occupancy would remain less than the maximum fifty-eight (58) percent, as approved.

On April 11, 1988, at its regular monthly meeting, the Zoning Commission ruled to waive the 10-day filing requirement of 11 DCMR 3029.5 and proposed to approve the modification to the approved plans to allow for the construction of the trash chute.

At that same meeting, the Zoning Commission left the record open for Advisory Neighborhood Commission - 1C to comment on the applicant's letter dated March 31, 1988.

On May 9, 1988, at its regular monthly meeting, the Zoning Commission considered a letter dated May 4, 1988, from the

Chair of the Advisory Neighborhood Commission - 1C Zoning and Community Planning Committee, requesting that final action be postponed until ANC-1C could consider the applicant's request to modify the approved plans. The Chairperson of the Zoning Commission ruled to grant the request, and to defer consideration of final action until May 19, 1988, at a special meeting of the Zoning Commission.

On May 19, 1988, at the special public meeting, the Zoning Commission considered letters dated May 16, 1988 from ANC-1C and the Kalorama Citizens Association (KCA).

ANC-1C indicated that it would not comment at this time, but would defer its comments until this matter is before the Historic Preservation Review Board, pursuant to D.C. Law 2-144.

KCA supported the request to modify the previously approved plans on the basis of the applicant's agreement to certain conditions regarding the renovation of 2001 Columbia Road, N.W. KCA noted that the construction of the trash chute was nearly completed.

The Commission concurs with the view that the trash chute would be a more appropriate means of transporting and disposing of refuse, as opposed to using a trash room. The Commission believes that the nominal increase of 0.05 FAR is negligible and would have no adverse affect.

The Commission believes that its proposed action to approve the modification of the previously approved plans is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

The Commission notes the statement of KCA about the near completion of the construction of the trash chute. The Commission believes that its conditions of approval in this order appropriately emphasize adherence to development requirements of Zoning Commission Orders.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a modification to Z.C. Order No. 423 and specifically to the previously approved plans, subject to the following guidelines, conditions, and standards.

1. The approved Planned Unit Development plans associated with Z.C. Order No. 423 shall be modified to allow for the construction of a trash chute, as shown on the plans marked as Exhibit No. 63 of the record.
2. The floor area ratio for the overall PUD project shall not exceed 3.46, which represents an increase of 0.05 FAR resulting from the trash chute construction.

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3. The building plans and elevations shall be modified, only to the extent that the trash chute construction has changed the drawings.
4. The applicant is hereby authorized and directed to file an amendment to the covenant dated August 28, 1984 between the owner and the District of Columbia, which amendment shall be satisfactory to the Office of the Corporation Counsel and the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs, and shall bind the applicant and successors in title to construct on and use this property in accordance with Z.C. Order No. 423, this Order, and any further amendments thereto which the Zoning Commission may adopt.
5. No Certificate of Occupany shall be issued for this Planned Unit Development before the final date of this order, nor before the applicant has recorded in the land records of the District of Columbia the covenant required by condition numbered 4 of this Order.
6. The Zoning Secretariat shall not release the Z.C. file in this case to the Zoning Administrator until the applicant has filed with the Zoning Commission a certified copy of the covenant required by condition numbered 4 of this Order.

Vote of the Zoning Commission taken at the special meeting of April 18, 1988: 3-0 (John G. Parsons, Lindsley Williams, and Maybelle T. Bennett, to approve; Elliott Carroll, not voting, not having participated in the case; and Patricia N. Mathews, not present, not voting).

This order was adopted by the Zoning Commission at a special public meeting on May 19, 1988 by a vote of 3-0 (Lindsley Williams, Maybelle T. Bennett and Elliott Carroll, to adopt as amended; John G. Parsons and Patricia N. Mathews, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on

----- 01 JUL 1988 -----



 MAYBELLE TAYLOR BENNETT
 Chairperson
 Zoning Commission



 EDWARD L. CURRY
 Executive Director
 Zoning Secretariat