

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 481A**  
**Z.C. Case No. 85-10A**  
**Minor Modification of the Planned Unit Development**  
**Hillendale Homeowners Association**  
**(Various Lots in Squares 1312, 1313, & 1320)**  
**March 12, 2012**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the “Commission”) was held on March 12, 2012. At the meeting, the Commission approved an application of the Hillendale Homeowners Association (the “Applicant”) for a modification to an approved planned unit development (“PUD”) for the property consisting of various lots in Squares 1312, 1313, and 1320 (the “Property”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations (Title 11 DCMR).

**FINDINGS OF FACT**

1. By Z.C. Order No. 305, dated January 10, 1980, the Commission approved a PUD for a new residential (townhouses and single-family detached residences) project (the “Project”).
2. By Z.C. Order No. 412, dated November 21, 1983, the Commission approved a request for an extension of time for a period of 10 years.
3. By Z.C. Order No. 481, dated January 13, 1986, the Commission approved modifications to Z.C. Order No. 305. The conditions contained in Z.C. Order No. 481 replaced the previously approved conditions, guidelines and standards in Z.C. Order No. 305.
4. In this proceeding, the Applicant requested an alteration of Condition 23 in Z.C. Order No. 481, in order to change the existing six foot high chain link fence with an eight foot high wrought iron fence between the existing wrought iron fence at the end of 39<sup>th</sup> Street, N.W. and the northeast corner of the property. The proposed change does not affect the overall height, mass, bulk, or design that was originally approved by the Commission. Rather, this is a minor change and it is consistent with the purposes and intent of the PUD.
5. The Applicant served the minor modification request on Advisory Neighborhood Commission (“ANC”) 2E, other parties (Burleith Citizens Association and Georgetown

University) to the original proceeding, and the National Park Service (“NPS”). No written report from the ANC or comments were received from the other parties or NPS.

6. On March 12, 2012, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modification to the approved PUD.
7. The Commission finds that the requested modification is of little consequence to the PUD as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its approval of the original PUD.

### CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved Z.C. Order No. 481. (11 DCMR § 2409.9.) Furthermore, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations, and is not inconsistent with the Comprehensive Plan.

The Commission also concludes that the modification is of little or no consequence and is therefore appropriate for consideration on the Consent Calendar without a public hearing. (11 DCMR § 3030.2.)

### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a modification to Z.C. Order No. 481 to allow a change in the type of fencing to be used. Accordingly, Condition 23 of Z.C. Order No. 481 is hereby modified as follows (deletions shown in ~~strikethrough~~ text and additions shown in underlined text):

23. Perimeter fences shall be constructed as shown on Drawings 12A, 12B, 12C and 14E of Exhibit 46, except that the fence along Whitehaven Parkway shall be a black wrought iron vinyl clad chain link fence, instead of a wood stockade fence, and may be erected to a maximum height of eight feet subject to the approval of the Department of Consumer and Regulatory Affairs.

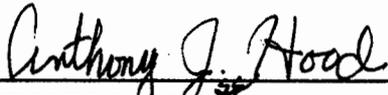
All other provisions and conditions of Z.C. Order No. 481 shall remain in effect.

In furtherance of 11 DCMR § 2409.3, no additional building permits shall be issued by the Department of Consumer and Regulatory Affairs (“DCRA”) until the Applicant has recorded a “Notice of Modification” of Z.C. Order No. 481 among the land records of the District of

Columbia. The Notice of Modification shall include true copies of Z.C. Order Nos. 481 and 481A. The recordation of the Notice of Modification shall bind the Applicant and any successor in title to construct on and use the site in accordance with this Order and any amendments thereof. This minor modification shall be fully vested upon the recordation of the Notice of Modification.

On March 12, 2012, upon the motion of Commissioner May, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Marcie I. Cohen, Michael G. Turnbull, and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*, that is, on May 11, 2012.



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**ANTHONY J. HOOD**  
CHAIRMAN  
ZONING COMMISSION



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**SARA A. BARDIN**  
DIRECTOR  
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 85-10A

MAY 11 2012

As Secretary to the Commission, I hereby certify that on                      copies of this Z.C. Order No.481A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |    |   |     |  |
|----|---|-----|--|
| 1. | <i>D.C. Register</i>  | 7.  | Melinda Bolling, Acting General Counsel<br>DCRA<br>1100 4 <sup>th</sup> Street, S.W.<br>Washington, DC 20024         |
| 2. | Hernando Herrera, Property Manager<br>Hillendale Homeowners Assoc.<br>4000 Hillendale Drive, N.W.<br>Washington, D.C. 20007 | 8.  | Office of the Attorney General (Alan<br>Bergstein)   |
| 3. | ANC 2E<br>3265 S Street, N.W.<br>Washington, DC 20007   | 9.  | Burleith Citizens Assoc.<br>P.O. Box 32262, Calvert Station<br>2336 Wisconsin Avenue, N.W.<br>Washington, D.C. 20007 |
| 4. | Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004   | 10. | Georgetown University<br>204 Healy Hall<br>37 <sup>th</sup> & O Streets, N.W.<br>Washington, D.C. 20057              |
| 5. | Councilmember Jack Evans  |     |  |
| 6. | DDOT (Martin Parker)  |     |  |

ATTESTED BY:

**Sharon S. Schellin**  
**Secretary to the Zoning Commission**  
**Office of Zoning**