

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 481B
Z.C. Case No. 85-10B
Minor Modification of the Planned Unit Development
Hillendale Homeowners Association
(Various Lots in Squares 1312, 1313, 1319, & 1320)
September 9, 2013

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the “Commission”) was held on September 9, 2013. 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, 1319, 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. By Z.C. Order No. 481A, dated May 11, 2012, the Commission approved a modification to Z.C. Order No. 481 to permit a 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 39th Street, N.W. and the northeast corner of the property. Z.C. Order 481A replaced Condition 23 of Z.C. Order 481 with a new Condition 23.
5. In this proceeding, the Applicant requested a further modification in order to make a similar change the existing six-foot high chain link fence by replacing it with an eight-foot high wrought iron fence, but in a different location than was approved in Z.C. Order No. 481A. In this case, the Applicant seeks approval to replace the chain link fence

between the existing wrought iron fence along the entire northern property line between the terminus of 39th Street, N.W. and Glover-Archbold Park, and south along the property line between the subject and Glover-Archbold Park to fence installed by the Embassy of France. As before, the proposed change does not affect the overall height, mass, bulk, or design that was originally approved by the Commission. This is a minor change and it is consistent with the purposes and intent of the PUD.

6. The Applicant served the modification request on Advisory Neighborhood Commission (“ANC”) 2E, as well as the other parties in the original proceeding, which were Burleith Citizens Association and Georgetown University. The Applicant also served the National Park Service (“NPS”). Neither the ANC nor the other parties submitted written responses. On September 5, 2013, the Applicant submitted into the record a copy of a Special Use Permit entered into with NPS (Exhibit 5).
7. On September 9, 2013, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for modification to the approved PUD.
8. 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 authorize replacement of the existing six-foot high chain link fence with an eight-foot high wrought iron fence along the entire northern property line between the terminus of 39th Street, N.W. and Glover-Archbold Park, and south along the property line between the subject and Glover-Archbold Park to the fence installed by the Embassy of France.

All other provisions and conditions of Z.C. Order No. 481, as modified by Order No. 481A, 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, 481A, and 481B. 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 September 9, 2013, upon the motion of Chairman Hood as seconded by Commissioner Turnbull the Zoning Commission **APPROVED** the Application is Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve).

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 October 25, 2013.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING