

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Order No. 18486-A of Application of AG Georgetown Park Holding 1, LLC, Motion for Minor Modification of Approved Plans for Application No. 18486, pursuant to § 3129 of the Zoning Regulations.**

The original application was pursuant to 11 DCMR § 3104.1, for a special exception to allow a bowling alley under § 908.1, in the W-1 and W-2 Districts at premises 3222 M Street, N.W. (Square 1200, Lot 868).

<b>HEARING DATE (original application):</b>	January 15, 2013
<b>DECISION DATE (original application):</b>	January 15, 2013
<b>FINAL ORDER ISSUANCE DATE (Order No. 18486):</b>	January 24, 2013
<b>MODIFICATION DECISION DATE:</b>	May 7, 2013

**SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION OF APPROVED PLANS**

**Background.**

On January 15, 2013, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the application of AG Georgetown Park Holding 1, LLC (the “Applicant”). The Applicant’s original request was for a special exception under § 908.1 to allow a bowling alley accessory to a restaurant at premises 3222 M Street, N.W. (Square 1200, Lot 868) in the W-1 and W-2 Districts. BZA Order No. 18486, approving the original request, was issued January 24, 2013. That order approved special exception relief to allow a 12-lane bowling alley in the Georgetown Park Mall. (Exhibit 41.)

**Request for Minor Modification of the Approved Plans**

On April 22, 2013, the Applicant submitted a request for a minor modification to the plans approved in BZA Order No. 18486 that granted special exception relief to allow a bowling alley pursuant to § 908.1, in the W-1 and W-2 Districts at premises 3222 M Street, N.W. In its motion the Applicant indicated that, pursuant to § 3129 of the Zoning Regulations, it was requesting modifications to the plans to increase the bowling alley by two additional lanes, from 12 to 14, on the lower level of the restaurant, and to move all of the bocce lanes from the second floor to the first floor of the restaurant. (Exhibit 44.) The record indicates that the request for

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**BOARD OF ZONING ADJUSTMENT**  
District of Columbia  
CASE NO. 18486-A  
~~EXHIBIT NO. 44~~  
EXHIBIT NO. 49  
CASE NO. 18486  
EXHIBIT NO. 49

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modification was served on all of the parties to the case<sup>1</sup>: the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 2E, the affected ANC, and the Single District Member. (Exhibit 44.)

Section 3129, specifically § 3129.3, indicates that a request for minor modification “of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application.” The motion was filed within the two-year period following the final order in the underlying case and thus is timely.

Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. OP submitted a report, dated April 23, 2013, recommending approval of the Applicant’s request to modify the approved plans as these changes would allow for even further separation between the bowling alley and the residences on the upper levels of the building. (Exhibit 46.) The affected ANC, ANC 2E, did not submit a report or respond to the motion. In its report OP indicated that subsequent to the public hearing on the original application, the Applicant had continued to work with the Georgetown Park Unit Owners’ Association to address soundproofing and noise mitigation. OP stated that the proposed modification would help to address the Association’s concerns. (Exhibit 46.)

No objections to the request for minor modification were submitted by any parties to the case. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for modifications of approved plans. Subsection 3129.6 of the Zoning Regulations authorizes the Board to grant, without a hearing, requests for minor modifications of approved plans that do not change the material facts upon which the Board based its original approval of the application. (11 DCMR § 3129.6.)

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a modification to the approved plans, the Applicant has met its burden of proof under 11 DCMR § 3129, that the modification is minor and no material facts have changed upon which the Board based its decision on the underlying application that would undermine its approval.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

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<sup>1</sup> The Georgetown Park Unit Owners’ Association (“Association”) had requested and initially was granted party status in opposition to the original application; however, upon executing an agreement with the Applicant which the Board made part of the record, the Association subsequently withdrew its opposition and party status request. (Exhibit 41.)

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It is therefore **ORDERED** that this application for modification of approved plans is hereby **GRANTED**. In all other respects Order No. 18486 and the conditions therein remain unchanged.

**VOTE on Modification of Order No. 18486:** **4-0-1**

(Lloyd J. Jordan, S. Kathryn Allen<sup>2</sup>, and Peter G. May (by absentee vote) **APPROVE**; Jeffrey L. Hinkle, not present or voting; the third Mayoral appointee vacant.)

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

A majority of the Board members approved the issuance of this summary order.

**ATTESTED BY:**

  
**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** May 14, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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<sup>2</sup> Ms. Allen indicated that she had reviewed the record of the original case in order to participate on this request for modification.