

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18718 of Lenore Pool and Tennis Club, Inc., as amended, pursuant to 11 DCMR § 3104.1, for a special exception under § 209 for a community center building including a tennis court and swimming pool, and **Order Modification No. 14619-C**, pursuant to 11 DCMR § 3129.7 for modification of a condition in BZA Order No. 14619-B, for property located in the R-1-A District at premises 4201 Lenore Lane, N.W. (Square 2246, Lot 27)

HEARING DATE: March 4, 2014
DECISION DATE: March 4, 2014

SUMMARY ORDER ON 3rd REQUEST FOR MODIFICATION

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *DC Register* and by mail to Advisory Neighborhood Commission ("ANC") 3F and to owners of property within 200 feet of the site.

By its order No. 14619, dated September 15, 1987 ("the original Order"), the Board granted the Applicant herein approval to establish a community center building, including a tennis court and a swimming pool at the Subject Property. Subsequent orders were issued, to wit, No. 14619¹ (issued May 5, 1988 modifying the plans) and 14619-B (issued June 15, 2010 modifying one condition). The instant order relates back to the most recent modification – 14619-B.

In Order No. 14619-B, Condition A provides as follows: "The membership of the Lenore Pool and Tennis Club, or any successor entity that will use the recreational facilities, shall be limited to no more than 20 families. No more than three of the member families may reside in excess of 1,000 feet from the subject site." The Applicant herein has requested a modification of this condition to increase the number of memberships from 20 to 25 and to increase the number of families that can live more than 1,000 feet from the site from three to five. Given the true nature of the Applicant's request, the Board, on its own motion amended this application to include a

¹ Ostensibly, this order which first modifies the original Order should have been labeled "14619-A"

modification of the previous Order – No 14619-B pursuant to § 3129.7, *et seq* , which provides as follows:

3129 MODIFICATION OF APPROVED PLANS

3129 7 A request to modify other aspects of a Board order may be made at any time, but shall require a hearing.

3129.8 The scope of a hearing conducted pursuant to § 3129.7 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.

3129 9 The filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.

Addressing the impact test of § 3129.8, the Applicant noted in testimony at the hearing of March 4, 2014 that the change would not create an adverse impact on the community and that neighbors have raised no issues related to the facility. In light of this testimony, the Board concludes that the Applicant has met the requirements for a modification under § 3129.7.

Regarding the special exception aspect of the relief, the Applicant maintains that the previously-approved use remains unchanged

The Board notes that the site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application. ANC 3F filed a report, dated March 4, 2014. In the report, the ANC stated that at a regularly scheduled public meeting on February 18, 2014, with a quorum of Commissioners present, the ANC voted to approve the application. (Exhibit 26.)

The Office of Planning (“OP”) submitted a timely report, dated February 25, 2014, recommending approval of the application with the modified condition. (Exhibit 24)

The District Department of Transportation (“DDOT”) submitted a report, dated February 25, 2014, stating that the proposed project will have no adverse impacts on the travel conditions of the District’s transportation network. (Exhibit 25.)

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 pursuant to § 3104.1 for a special exception for continuing a community center use under § 209. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1 and 209 that the requested special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested special exception will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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. It is therefore **ORDERED** that this application be **GRANTED WITH THE FOLLOWING CONDITIONS, AS MODIFIED by the Board²:**

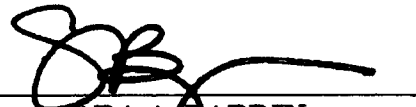
- A. The membership of the Lenore Pool and Tennis Club, or any successor entity that will use the recreational facilities, shall be limited to no more than 25 families. No more than six of the member families may reside in excess of 1,000 feet from the subject site
- B. Except for security lighting, the recreational facilities shall not be illuminated at night.
- C. No parking shall be provided on the site
- D. The Applicant shall provide for private trash collection service from the site on a regular basis
- E. The Applicant shall provide evergreen landscaping along the boundaries of the site bordering public rights-of-way to screen the facilities from the streets

VOTE· 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Marcie I. Cohen, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve.)

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

A majority of Board members approved issuance of this order

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

² All conditions approved at the Public Hearing of March 4, 2014 are presented here rather than incorporating by reference. Pertinent revisions to Condition A are underlined.

FINAL DATE OF ORDER: March 12, 2014

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C HUMAN RIGHTS ACT OF 1977, AS AMENDED, D C OFFICIAL CODE § 2-1401.01 *ET SEQ* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.