GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16536-A of National City Christian Church, pursuant to 11 DCMR § 3103.2, for a variance under subsections 530.1 and 533.4 from the building height restriction and recreation space requirements for the construction of an apartment house containing 175 – 180 units on the site that is now the parking lot and maintain the existing church in an SP-2 District at premises 14th Street and Thomas Circle Streets, NW. (Square 212, Lot 123).

HEARING DATE: January 19, 2000
DECISION DATE: January 19, 2000 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 3-0 (Sheila Cross Reid, Kwasi Holman and Robert N. Sockwell to grant.)

FINAL DATE OF ORDER: March 27, 2000

MODIFICATION ORDER

The Board initially granted the Application by its Order dated March 27, 2000. By letter dated September 25, 2001, the Applicant filed a request to modify the previously approved plans that are consistent with BZA Order No. 16536, and to waive the six month filing requirement pursuant to § 3129.3 of the Zoning Regulations to allow for a modification of the previously approved plans. The minor modification of plans are primarily related to the relocation of community spaces within the building and changes to the fenestration pattern of the building. The changes involve exchanging space on the ground level of the building so that the residential uses planned for that level are relocated to the quieter N Street, N.W. frontage of the building.

The request was reviewed at the Board's November 6, 2001, public meeting, where the Board determined that additional information was needed regarding the request. The Board rescheduled consideration of the Applicant's modification request to its December 4, 2001 meeting. Pursuant to the Board's request, the Applicant submitted additional information regarding the modification request by letter dated November 21, 2001.

The site of this application is located within the jurisdiction of Advisory Neighborhood Commission (ANC) 2F. Pursuant to § 3129.4, ANC 2F, as the only party to the original Application other than the Applicant, was notified of the modification request. ANC 2F submitted a written statement in support of the modification request. The D.C. Office of Planning submitted a written report in support of the modification request.

BZA
Case No.
Exhibit No. 41
Board of Zoning Adjustment
District of Columbia
CASE NO.16536
EXHIBIT NO.41

Upon consideration of the motion for waiver of the six month filing requirement of § 3129.3, the circumstances surrounding the Applicant's attempts to develop the approved residential project and support for the modification request by ANC 2F and OP, the Board determines that the waiver should be approved.

Upon consideration of the Applicant's request for modification of the approved plans and support for the modification request by ANC 2F and OP, the Board concludes that the proposed modifications are minor and do not change the material facts relied upon by the Board in approving the Application.

The Board notes that the current Board members have reviewed the record in the initial application and the instant request for modification.

It is therefore **ORDERED** that the requests for a **WAIVER** of the **SIX-MONTH TIME LIMITATION FOR FILING A MOTION** and **MODIFICATION OF APPROVED PLANS** are **APPROVED.** In all other respects, the previous Order of the Board shall remain in full force and effect.

DECISION DATE: December 4, 2001

VOTE: 4-0-1 (Geoffrey H. Griffis, David W. Levy, Carol J. Mitten, Anne M. Renshaw to grant, the third mayoral appointee not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 2 6 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE

PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

BZA APPLICATION NO. 16536-A

As Director of the Office of Zoning, I hereby certify and attest that on DEC 2 6 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman M. Glasgow, Jr., Esq.
Dennis R. Hughes, Esq.
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006

David Stephens, Chairperson
Advisory Neighborhood Commission 2F
P.O. Box 9348, Mid-City Station
Washington, D.C. 20005

Jim Brandon
Single Member District Commissioner 2F02
Advisory Neighborhood Commission 2F
1301 15th Street, N.W., Apt. 615
Washington, D.C. 20005

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

Toye Bello
Acting Zoning Administrator
Building and Land Regulation
Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director