GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

Application No. 16637 of Alex R. Boyar, pursuant to 11 DCMR 3104.1, for a special exception under Section 2516 to permit a theoretical lot line subdivision to allow the construction of four single-family detached dwellings in an R-1-B District at premises 4427 Potomac Avenue, N.W. (Square 1356, Lots 21 and 22).

HEARING DATE: November 8, 2000
DECISION DATE: November 8, 2000 (Bench Decision)

SUMMARY ORDER

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2E, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a report unanimously approving the application.

The Board approved the application at its November 8, 2000 public hearing; however, required that the Applicant provide additional information prior to release of the order. The Board requested the following information:

- A Construction Management Plan;
- An updated Site Plan;
- Letter from the Zoning Administrator's office regarding compliance with lot line orientation pursuant to Section 2516.5(d);
- A copy of the letter that was sent to the National Park Service; and,
- A final landscaping and grading plan.

BZA
Case No. 16637
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16637
EXHIBIT NO.36

The Board discussed the Applicant's submissions at a Special Public Meeting on November 21, 2000, and approved the issuance of the Order with the conditions identified herein. The Board also indicated that although the Applicant provided only a 40-foot turning area for vehicles within the property, consistent with Section 2516.6(d), this diameter is acceptable in light of the number of dwellings to be constructed and the amount of parking being provided on-site.

The Applicant provided the requested information to the Board, the Office of Planning and to Advisory Neighborhood Commission 2E. Advisory Neighborhood Commission 2E advised the Board that all of the commissioners reviewed the Construction Management Plan and had no objection to the plan.

As directed by 11 DCMR 3119.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Subsection 3104.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR Subsection 3104.1 and Section 2516, that the requested relief can be granted in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

Construction Management

1. The Applicant shall abide by the conditions identified in the Construction Management Plan (Exhibit No. 34). The following shall amend the plan:

    - Exterior construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.

    - The Applicant shall discuss with Advisory Neighborhood Commission 2E the route that will be used for construction traffic. A document identifying the traffic route of construction vehicles is to be filed with the ANC.

    - All vehicles related to on-site construction shall be parked on the premises.

    - There shall be no unnecessary idling of vehicles on neighborhood streets.

    - The hauling route, within two blocks of the site, shall be washed down as needed, and construction debris removed.

- Portable toilets shall be provided on-site.

Community Contact

2. The Applicant shall provide to ANC 2E the name and telephone number of a person to be contacted during construction, regarding complaints or other issues.

Design

3. The dwellings shall be designed to be compatible with the character and style of structures in the Palisades neighborhood. The design of the structures shall be submitted to ANC 2E for review.

Pursuant to 11 DCMR 3101.6, the Board waived the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Rodney Moulden, Sheila Cross Reid, Carol Mitten and Robert Sockwell to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC - 1 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1999), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/11.29.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

BZA APPLICATION NO. 16637

As Director of the Office of Zoning, I hereby certify and attest that on DEC - 1 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter and who is listed below:

Alex Boyar
4221 38th Street, N.W.
Washington, DC 20016

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
St. John's Episcopal Church
3265 S Street, N.W.
Washington, DC 20007

Fran Goldstein
SMD Commissioner ANC 2E02
3928 Highwood Court, N.W.
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Councilmember Jack Evans
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Toye Bello, Acting Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director