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Enclosures

June 24, 2005

2005 JUN 24 PM 2:17
D.C. BOARD OF ZONING

Geoffrey Griffis, Chair
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

RE: Application No. 17111
Request for Modification of Plans

Dear Mr. Chairman and Members of the Board:

The Applicant in Case No. 17111 (2412 17th Street Limited Partnership) hereby requests a Modification of Approved Plans pursuant to the Zoning Regulations at 11 DCMR § 3129. The Applicant requests that this item be on the July 5, 2005 agenda, if possible. The discrepancy in plans identified below was discovered in the building permit process and is currently holding up that process.

The reason for the request relates to two discrepancies in revised sheets of plans submitted to the record during the case. In Exhibits 24 and 27 of the record, revised Sheet A-2.1 "East and West Elevations," depicting the addition of balconies to be provided at the third floor level and revised Sheet A-1.3 "Third Floor Plan," showing the proposed third floor balconies, were submitted to the record. These sheets were not part of the certified plans that went to the Department of Consumer and Regulatory Affairs with the approved order. Accordingly, the Applicant requests that they be certified and transmitted to the Zoning Administrator.

The second discrepancy is that revised Sheet A-1.0 "Cellar Plan" was inadvertently not transmitted to the record. It shows a somewhat more extensive area of excavation than the original plans. The previous plan was to do less excavation and maintain previously excavated areas; however, it now proves more efficient and stable to excavate somewhat more, including the previously unexcavated areas. Another benefit is that less underpinning is needed. The gross floor area of this level and the building remain unchanged from those previously approved, with some minor reconfiguration of apartment unit layouts on this level. The Applicant requests that this revised Cellar Plan be accepted to the record, certified and transmitted to the Zoning Administrator.

A copy of each of the three revised plan sheets is attached. A copy of Order No. 17111 is also attached.

BZA
Case No. 17111
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO. 17111
EXHIBIT NO. 45

Regarding the six-month timing requirement indicated in 11 DCMR § 3129.3, the Applicant requests a waiver because the discrepancies were not discovered until well into the building permit process

Pursuant to § 3180.1(f), a check in the amount of $480 payable to the D.C. Treasurer is enclosed for the filing fee, being twenty percent of the original filing fee of $2,400.

Thank you for consideration of this request.

Respectfully submitted,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross, AICP

Enclosures:

BZA Order No. 17111
Revised Plan Sheets A-1.0, A-1.3 and A-2.1

Cc: Advisory Neighborhood Commission 1C
(Served via hand delivery on June 24, 2005)

Office of Planning
(Served via hand delivery on June 24, 2005)

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 17111 of 2412 Limited Partnership, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow a two story addition to an apartment house in the R-5-B District at premises 2412 17th Street, N.W. (Square 2566, Lot 819).

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HEARING DATE: February 10, 2004
DECISION DATE: March 2, 2004

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 1C. ANC 1C submitted a letter in conditional support of the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing 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 and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 402, 403 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, 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 not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

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VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., and David A. Zaidain to approve, the Zoning Commission member 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, Office of Zoning

FINAL DATE OF ORDER: MAR 0 5 2004

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 THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE

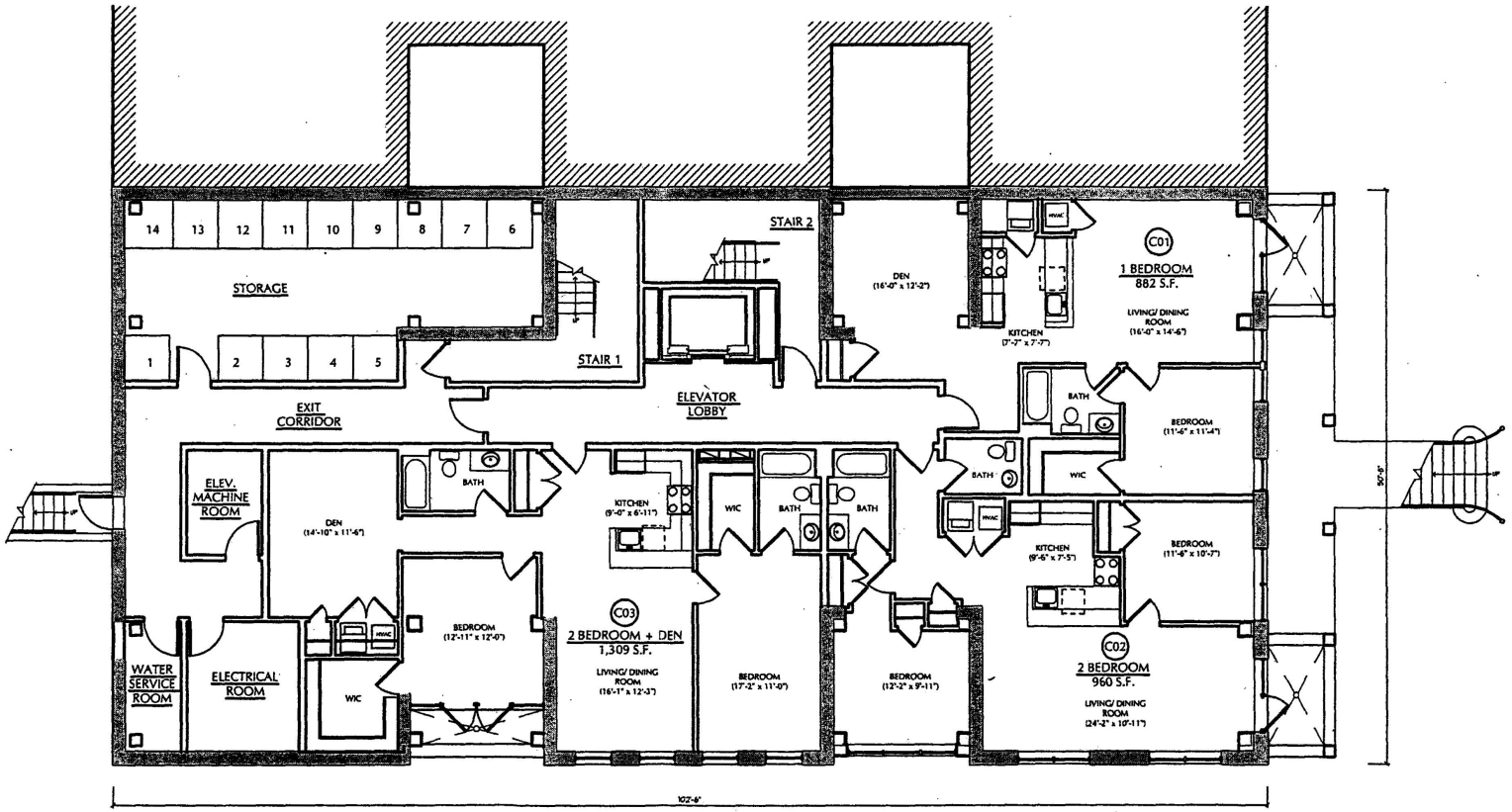
GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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P:\472-2412 17th St\A-1_0 Cellar_12-02-03.dwg, 12/5/2003 1:26:46 PM

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1 A-1.0 CELLAR PLAN
SCALE: 3/32" = 1'-0"

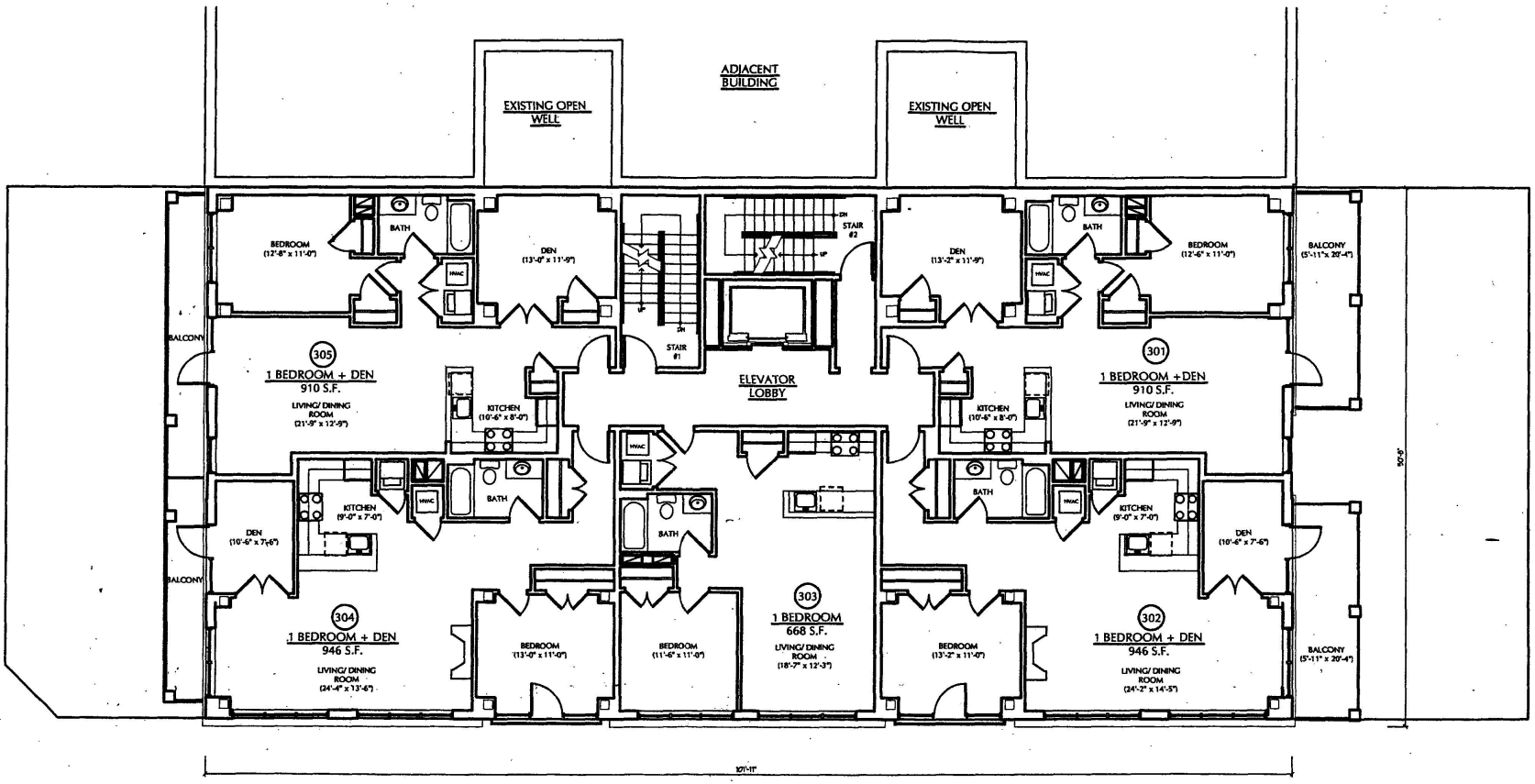
NOTE: 85% OF CELLAR LEVEL AREA HAS CEILING LESS THAN 48" ABOVE GRADE.
REMAINING 15% OF CELLAR IS COUNTED IN FAR GSF.

N

CELLAR PLAN

ARCHITECT: ERIC COLBERT & ASSOCIATES	CLIENT: CASTLE MANAGEMENT CORPORATION	PROJECT: THE WILSON	10.17.03 11.06.03	A-1.0
717 5TH STREET, N.W. WASHINGTON, D.C. 20001	3040 STANTON ROAD, SE WASHINGTON, DC 20020	2412 17TH STREET, NW WASHINGTON, DC		

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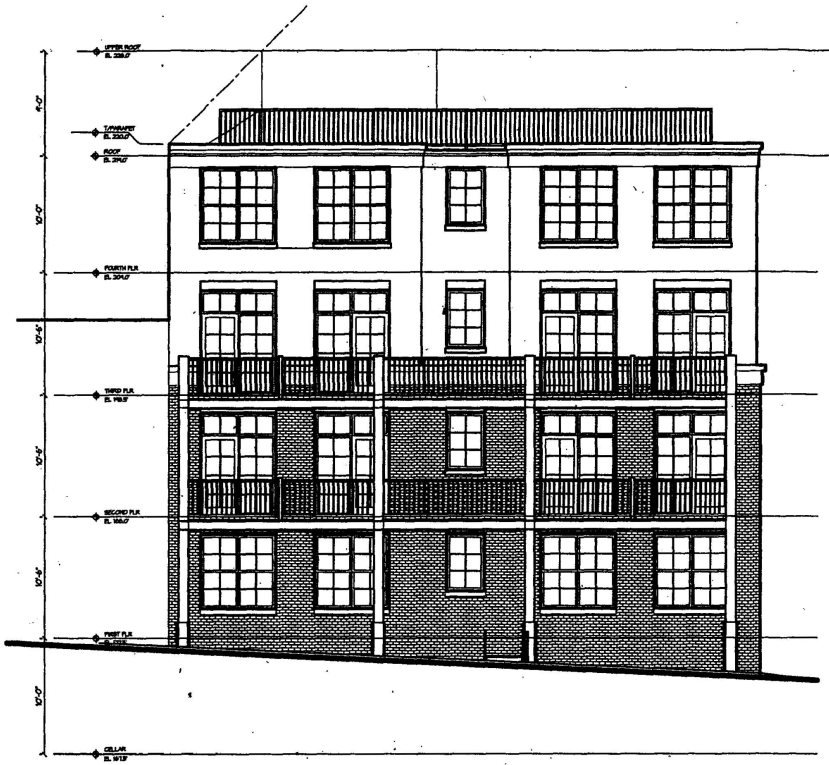
1 / A-1.3 THIRD FLOOR PLAN
SCALE: 3/32" = 1'-0"

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THIRD FLOOR PLAN

ARCHITECT: ERIC COLBERT & ASSOCIATES	CLIENT: CASTLE MANAGEMENT CORPORATION	PROJECT: THE WILSON	10.17.03 11.06.03 12.11.03	A-1.3
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2 / A-2.1 WEST (ALLEY) ELEVATION
SCALE: 3/32" = 1'-0"



1 / A-2.1 EAST (17TH STREET) ELEVATION
SCALE: 3/32" = 1'-0"

EAST & WEST ELEVATIONS

ARCHITECT: ERIC COLBERT & ASSOCIATES
717 8TH STREET, N.W. WASHINGTON, D.C. 20001

CLIENT: CASTLE MANAGEMENT CORPORATION
3040 STANTON ROAD, SE WASHINGTON, DC 20020

PROJECT: THE WILSON
2412 17TH STREET, NW WASHINGTON, DC

10.17.03
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12.11.03

A-2.1

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The Wilson - 2412 17th Street LP
2412 17th Street NW
Washington, DC 20009

MERCANTILE POTOMAC BANK
Gaithersburg, Maryland 20877

65-138
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DATE	CHECK NO.	AMOUNT
06/24/05	001067	$*******480.00*

FOUR HUNDRED EIGHTY AND NO/100 DOLLARS **********

PAY TO THE ORDER OF D.C. Treasurer
Washington, DC

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