GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17111-A 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).

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

DISPOSITION: By order dated March 5, 2004, the Board granted Application No. 17111, by a vote of 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).

MODIFICATION ORDER

By letter dated November June 24, 2005, the Applicant submitted a request that the Board modify the approved plans in the subject application. The Applicant requested that the Board approve a minor modification to the plans (Sheet A-2.1) pertaining to the east and west elevations to include the addition of third floor balconies. The Applicant also requested that the Board approve a revised cellar plan. The Applicant's request to modify the Order was not filed timely pursuant to § 3129.3 of the Zoning Regulations. The Board, by unanimous consent, waived the six-month time period for filing the request. Parties consist of the Office of Planning (OP) and Advisory Neighborhood Commission (ANC) 1C. Both parties were served with the request for modification pursuant to § 3129.4.

THE MODIFICATION

The reason for the request relates to two discrepancies in the 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

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Affairs with the approved order. The Applicant requested 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. This plan shows a slightly 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. There will be less underpinning needed with the revised plan and that the gross floor area of the cellar level and the building will remain unchanged from those previously approved, with some minor reconfiguration of the apartment unit layouts on this level.

DECISION

The Board concludes that the requested plan modifications are minor and are within the requirements of §3129, as "minor modification[s] that do not change the material facts the Board relied upon in approving the application." After reviewing the request for modification and the supporting materials, the Board has determined that the request should be granted.

Accordingly, it is therefore hereby **ORDERED** that the motion for minor modification of plans, as shown on Exhibit No. 45 of the record is **GRANTED**.

DATE OF DECISION: July 5, 2005

VOTE: **3-0-2** (Geoffrey H. Griffis, Curtis L. Etherly, Jr. and Ruthanne G. Miller to approve; John Mann II and Kevin Hildebrand not voting, not having heard the original application.

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: JUL 0 6 2005

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.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 17111-A MODIFICATION ORDER

As Director of the Office of Zoning, I hereby certify and attest that on JUL 0 6 2005 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:

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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning