

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen J. Mordfin, AICP, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** September 29, 2017

**SUBJECT:** BZA Case 19411 –Minor Modification to BZA Order 19411A to remove condition Number 2 to not require trash to be stored on private property for an apartment building at 2812 Georgia Avenue, N.W.

---

**I. APPLICATION**

**703 CONSENT CALENDAR – TECHNICAL CORRECTIONS, MINOR MODIFICATION, AND MODIFICATION OF CONSEQUENCE, TO ORDERS AND PLANS**

*703.3 For purposes of this section, “minor modifications” shall mean modifications that do not change the material facts upon which the Board based its original approval of the application.*

The original approval was to reduce, by special exception, the number of off-street parking spaces required from one to zero. The minor modification request does not change the material facts upon which the Board based its original approval as it is a request to not be required to locate the trash area on private property, but rather within public space.

*703.6 An application for a technical correction, minor modification, or modification of consequence approval shall be made in an appropriate manner provided by the Director. The applicant shall furnish two (2) copies of all information required by the form at the time of filing the application, including the following:*

- (a) A completed application form;*
- (b) The nature of, reason(s), and grounds for the technical correction, minor modification, or modification of consequence;*
- (c) A copy of any Board final order, map, plan, or other action or relief proposed to be modified or corrected; and*
- (d) Proof of service to all parties.*

The application is complete as required above.

*703.8 All written requests shall be served by the moving party on all parties in the original proceeding at the same time that the request is filed at the Office of Zoning.*

The application contains a certificate of service indicating that the request was served on all parties to the original application on August 14, 2017 (Exhibit 5), the date the application was filed with OZ.

*703.15 A request for minor modification of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application, or the circumstances of Subtitle Y § 702.3 apply, two (2) years after the date the decision date of the court's final determination of the appeal*

The application was filed on August 14, 2017, less than two years from the February 13, 2017 final date of the order (Exhibit 1).

## **II. ANALYSIS**

The applicant requests a Minor Modification to BZA Order 19411A for the property located at 2812 Georgia Avenue, N.W. to eliminate condition Number 2. Specifically, Condition No. 2 reads as follows:

*“Trash shall be stored within private property.”*

In the original case the applicant agreed to store trash generated by the proposed apartment building within private property. The subject property is located mid-block and has no alley access. Since the order was issued the applicant determined that it is not feasible to store the trash within private property. The applicant worked with DDOT and members of the Public Space Committee to resolve the situation and agreed upon plan for the applicant to store the trash in public space toward the front of the building. The trash would be stored partially below grade and behind a low wall.

## **III. RECOMMENDATION**

OP recommends the Board approve the request for Minor Modification to require the trash to be stored on private property. This request does not affect the material facts on which the Board based its original approval.