

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



April 7, 2015

Mary Carolyn Brown
Holland & Knight LLP
800 17th Street, N.W., Suite 1100
Washington, D.C. 20006

Re: BZA Order No. 17837 – Modification of Site Plan

Dear Ms. Brown:

I have reviewed (a) the modification to the Hillcrest development allowed under Board of Zoning Adjustment (“BZA”) Case No. 17837 proposed in your January 23, 2015 email and illustrated by the EYA drawing titled “SP-1: Proposed Modified Site Plan (BZA Case # 17837)” and dated January 15, 2015 and accompanying document; and (b) the detailed analysis contained in your March 20, 2015 email of what zoning relief the proposed modification would require compared to the relief granted by the BZA in Case No. 17837.

I agree that the proposed modification does not increase the relief required in excess of what the BZA has already granted. I therefore agree that the proposed modification does not need to return to the BZA for a revision to the relief, but may proceed under the relief granted in Case No. 17837, provided it complies with the conditions imposed by the BZA in Case No. 17837.

With regard to the proposed increase in the amount of open space over that included as Condition 2 of the Board’s Order, the covenant required by Condition 2 shall include both the original open space as illustrated by Exhibit 53 of Case No. 17837 (as is required by Condition 2), and the additional open space from the interior theoretical lots no longer proposed to be created. This could be done by having the covenant preserving the open space cover 2 defined pieces of property – “A” as illustrated by Exhibit 53, and “B” as illustrated by a new plan showing the boundaries of the interior theoretical lots that are added to the protected open space under the proposed modifications. This could take the form of a single plan with the Exhibit 53/”A” area distinguished from the added open space/”B” area. This approach would enable a single governance and maintenance framework for the two contiguous parcels instead of creating a separate HOA parcel.

With regard to the dedication of the Road to the District pending DDOT’s completion of the Southern Avenue extension, which the BZA granted significant weight in deciding to grant the relief requested, that area for the proposed roadway should be illustrated as a hatched area on the submitted site plan indicating the bounds of the area to be dedicated and referring to the BZA Order acceptance of the proffered dedication, with the statement that the road will be built to DDOT standards but maintained by the developer/HOA until DDOT decides to complete the Southern Avenue extension.

Please let me know if you have any questions regarding the above.

Best Regards, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachments:

1. BZA Order No. 17837
2. Existing and Proposed Site Plans
3. March 20, 2015 email

File: Det Let re BZA #17837 - Hillcrest to Brown 4-7-15