

at 4434 Connecticut Avenue, N.W. The company's hours of operation are from 7:30 A.M. to 5:00 P.M.

9. The parking lot is used exclusively by the Thomas E. Clark, Inc. for parking of its twenty service vehicles and for customer parking. The parking is necessary for the operation of the business. Without the lot, trucks would be forced to park in the alley or on the streets.

10. Few service vehicles park on the lot during the day as they are out on service calls. Most service vehicles are in the possession of employees beyond 5:00 P.M. as the company provides a twenty-four hour service.

11. No bumper stops had been erected to protect adjacent buildings in accordance with the Board's previous Order No. 12714. The applicant assured the Board that it would bring the lot into compliance.

12. Photographs in the record evidence that a truck was parked on the lot with its front extending into the public alley. A representative of the applicant testified that that was an unusual situation, and that the company would take appropriate actions to see that such projection into the alley would not occur.

13. A representative of the applicant testified that the company has not received any complaints from any of its neighbors concerning the lot.

14. The lot is cleaned daily by a maintenance man.

15. The D.C. Department of Transportation, by memorandum dated August 27, 1982, had no objection to the continued use of the parking lot to serve the plumbing business.

16. No report was received from Advisory Neighborhood Commission 3F.

17. No one appeared in opposition to the application at the public hearing. There were no letters of record in opposition.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with Paragraph 3101.48 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof except for the placement of bumper stops, and the projection of parked vehicles into the alley.

The Board concludes that the lot is both convenient and necessary to the operation of the Thomas E. Clark, Plumbing and Heating Service, Inc. and the continuation of the lot will not be objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. The applicant is reminded to observe all of the conditions set forth in this order, particularly condition "c" regarding bumper stops and condition "d" concerning projection over the lot line.

The Board further concludes that the grant of this special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of three years from the date of expiration of the previous order, namely from September 25, 1982.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Lindsley Williams, Carrie L. Thornhill, William F. McIntosh and Charles R. Norris to GRANT; Douglas J. Patton to GRANT by PROXY).

BZA APPLICATION NO. 13861

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

JUN 22 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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