

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14563 of Ten/L Joint Venture and Irene O. Rosenthal, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 1109-1123 - 10th Street, N.W., (Square 369, Lots 817, 818, 819, 22, 50, 845, 53, 851, 852, 847, 815 and 867).

HEARING DATE: February 25, 1987
DECISION DATE: February 25, 1987

DISPOSITION: The Board GRANTED the application, with conditions, by a vote of 3-0 (William F. McIntosh, John G. Parsons and Carrie L. Thornhill to grant; Paula L. Jewell and Charles R. Norris not voting, not having heard the case).

FINAL DATE OF OF ORDER: April 10, 1987

ORDER

The Board granted the application by its order dated April 10, 1987 subject to seven conditions. Condition No. 1 of the order reads as follows:

"Approval shall be for a period of TWO YEARS terminating on January 5, 1989 subject to review and approval of a landscaping plan for public space adjacent to the parking lot by the D.C. Public Space Committee. Upon submission to the Board of evidence of such approval, the Board may amend its approval of the subject application for a period of FOUR YEARS, terminating on January 5, 1991."

On December 20, 1988, the representative of the applicant submitted a landscape plan of the parking lot for the Board's consideration. At its public meeting of January 4, 1989 the Board deferred action on the application until its public meeting of June 7, 1989 in order to afford the

applicant an opportunity to submit a revised landscaping plan, approved by the Public Space Committee, as well as evidence of the growing condition of the landscaping prior to the Board's decision.

On April 28, 1989, the applicant requested that the Board consider the provision of a three to four foot screening fence in lieu of landscaping due to the difficulty the applicant has experienced with maintaining plantings in a viable growing condition due to the lack of water availability at the site, and vandalism. The applicant indicated that the property was for sale and development. On May 4, 1989, the applicant submitted photographs evidencing the condition of existing landscaping on and adjacent to the site.

Upon consideration of the applicant's submissions, the evidence of record, and its Order dated April 10, 1987, the Board hereby approves the landscaping plan SUBJECT to the CONDITION that the applicant screen the property with a four foot high solid wood fence and hereby AMENDS Condition No. 1 of its prior order to approve the application for a period of FOUR YEARS terminating on January 5, 1991.

VOTE: 3-0 (William F. McIntosh and Carrie L. Thornhill approve; John G. Parsons to approve by proxy; Paula L. Jewell and Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 21 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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 CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14563

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated ~~_____~~ AUG 21 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Marc R. Slavin, Vice-President
Atlantic Garage, Inc.
1828 L Street, N.W.
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Irene O. Rosenthal
14 Sussex Road
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Clarene Martin, Chairperson
ANC 2C
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A handwritten signature in black ink, appearing to read "E. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: AUG 21 1989