

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14806 of the Perpetual Savings Bank, F.S.B., pursuant to 11 DCMR 3108.1, for a special exception under Section 212 to allow the continuation of a parking lot in an R-3 District at the rear of 5103 Georgia Avenue, N.W. (Square 3002, Lot 809).

HEARING DATE: June 8, 1988
DECISION DATE: June 8, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 4D and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 4D and in proximity to ANC 4C. ANC 4D, which is automatically a party to the application, did not file a written statement of issues and concerns, nor did ANC 4C submit a written statement of issues and concerns, or request to be treated as an affected ANC.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 212. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Map. It is therefore ORDERED that the application is granted, subject to the following CONDITIONS:

- A. Approval shall be for a period of five years from the date of expiration of the previous certificate of occupancy, namely from February 24, 1988.
- B. Use shall be limited to the parking of private automobiles only, no trucks.
- C. The green space adjacent to the lot along Gallatin Street shall be restored to a healthy, growing condition. The applicant shall not be prohibited from landscaping the area with shrubbery and/or flowers. The grassy area shall be mowed, fertilized and maintained as necessary to ensure its healthy and attractive condition.
- D. The parking lot and adjacent green space shall be cleared of all refuse and debris. The applicant shall provide regularly scheduled, daily maintenance of the lot to insure that the lot remains free of refuse and debris at all times.
- E. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- F. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- G. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- H. 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.
- I. 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.
- J. 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.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions

of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant and waive the Rules)

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

JUL 7 2008

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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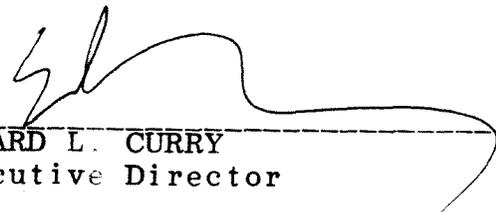
APPLICATION No. 14806

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 _____, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jean Pompa
Perpetual Savings Bank, F.S.B.
2034 Eisenhower Avenue
Alexandria, Virginia 22314

Rudolph Harris, Chairperson
ANC 4-C
4020 - 8th Street, N.W.
Washington, D.C. 20011

Franklyn M. Malone, Chairperson
ANC 4-D
717 Kennedy Street, N.W.
Washington, D.C. 20011


EDWARD L. CURRY
Executive Director

DATE: JUL 7 1988