

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14981, of Eastern Market Associates, pursuant to 11 DCMR 3107.2, for a variance from the maximum allowable commercial floor area ratio requirements (Sub-section 771.2), and a variance from the off-street parking requirements (Sub-section 2101.1) for a proposed two-story office addition to an existing one-story structure in a C-2-A District at premises 228 - 7th Street, S.E., (Square 900, Lot 68).

HEARING DATE: April 12, 1989  
DECISION DATE: April 12, 1989 (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 6B and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 6B. ANC 6B, which is automatically a party to the application, by letter dated March 31, 1989, submitted written issues and concerns in support of the application.

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 variance from the strict application of the requirements of 11 DCMR 771.2 and 2101.1. No person or entity appeared at the hearing or otherwise requested to participate as a party in 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 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.

2. The trash collection area for this building shall be fully enclosed within the building. Any trash and debris collection contracts, pertaining either to construction or post rehab operations at this site, entered into by Developer or on Developer's behalf by a contractor or management agent, shall provide that garbage will be collected between the hours of 7:30 A.M. and 5:30 P.M., Monday through Friday only.
3. The developer or its management agent shall include a covenant in all leases which specifies that tenants will load and unload all merchandise from the front of the building, and that the alleys between 7th and 8th Streets, S.E., will not be used for this purpose.
4. The six (6) parking spaces which developer plans to construct will be for the sole and exclusive use of tenants of the building. Developer agrees to enforce this restriction by (1) providing identification for authorized vehicles; (2) having unauthorized vehicles ticketed and towed; and (3) posting signs to this effect.
5. Developer's construction contracts shall provide that all construction will take place Monday through Friday only, between the hours of 7:30 A.M. and 5:30 P.M. unless an emergency situation arises which endangers the health or safety of the community. Work on Saturday will be performed only as necessary and will not commence prior to 8:30 A.M. The hourly restrictions applicable to work performed Monday through Friday, or Saturday after 8:30 A.M., will not apply to work performed in the interior of the building after the exterior walls and roof are constructed and the building is completely closed in, provided that such work does not create noise audible to the residents of the area or require the operation of equipment in the rear alley.

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 (Paula L. Jewell, Lloyd D. Smith, William F. McIntosh, and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

APR 24 1989

FINAL DATE OF ORDER: \_\_\_\_\_

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.

14981order/LJP47

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14981

As Acting 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 APR 24 1985, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Kenneth A. Golding  
4908 W Street, N.W.  
D.C. 20007

Evelyn Washington, Chairperson  
Advisory Neighborhood Commission 6-B  
921 Pennsylvania Avenue, S.E., #108  
Washington, D. C. 20003

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207 7th Street, S.E.  
D.C. 20003

Don Denton  
605 Penn. Ave., S.E.  
D.C. 20003

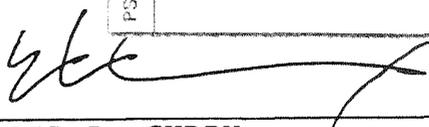
P-600 301 956

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153 506          PS Form 3800, June 1985	Sent to	E. Washington	
	Street and No		
	P.O. State and ZIP Code		
	Postage	\$	
	Certified Fee		
	Special Delivery Fee		
	Restricted Delivery Fee		
	Return Receipt showing to whom and Date Delivered		
	Return Receipt showing to whom, Date, and Address of Delivery		
	TOTAL Postage and Fees	\$	
Postmark or Date			

  
EDWARD L. CURRY  
Executive Director

DATE: APR 24 1985