

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15384 of Luther Place Memorial Church, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 505 to establish a parking lot, and a variance from the prohibition against all-day commuter parking (Sub-section 505.5) for an all-day commuter parking lot of sixty-five spaces in an SP-2 District at premises 1307 14th Street, N.W., (Square 242, Lots 803, 804, 805, 834, 82, 83, 84, 85 and part of Lots 81, 800, 801 and 835).

HEARING DATE: November 14, 1990
DECISION DATE: November 14, 1990 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2C and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 2C. ANC 2C, which is automatically a party to the application, filed a written statement of issues and concerns.

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 505. 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. Approval shall be for a period of eighteen (18) months.
2. There shall be a maximum of sixty-five parking spaces devoted to all-day commuter parking.

3. The applicant shall install and maintain a hedge, at least 30 inches in height, along the Vermont Avenue frontage of the lot.
4. The applicant shall maintain a chain fence adjacent to the public alley to prevent vehicular access from the parking lot to the alley.
5. The applicant shall maintain the fence on the Vermont Avenue frontage of the property to the alley.
6. The applicant shall maintain fencing necessary to secure the lot when not in use by PMI or Luther Place Church.
7. The Vermont Avenue curb cut shall not be used.
8. The applicant shall maintain the fence along the Vermont Avenue frontage in good repair.
9. There shall be "no parking" sign on the Vermont Avenue frontage of the lot.
10. The applicant shall provide for the daily removal of litter and debris from the lot.
11. The applicant shall provide for bi-weekly cutting of grass and seeding during the growing season, including trimming alongside fences, fire plugs and trees.
12. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
13. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
14. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
15. 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.
16. 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.

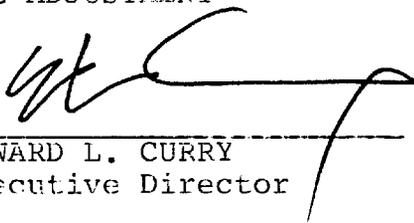
17. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

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: 5-0 (Sheri M. Pruitt, John G. Parsons, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 19 1991

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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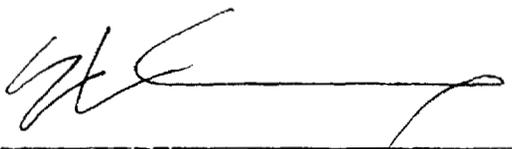
APPLICATION/APPEAL No. 15384

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated APR 19 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Garrison Elementary School
1200 S Street, N.W., Suite 202
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EDWARD L. CURRY
Executive Director

DATE: APR 19 1991