

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)

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Sheri M. Pruitt, John G. Parsons, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant).

ORDER

The Board granted the application by its order dated April 19, 1991 subject to sixteen conditions. By letter dated July 26, 1991, a representative of the applicant requested the Board to reconsider Condition Nos. 4, 5, 8 and 16 of its order. The applicant's representative indicated that the referenced conditions had not previously been applied, as follows:

- a. Condition No. 4 requires a chain fence adjacent to the public alley. The applicant indicated that an existing post and cable fence has existed in that location for at least twenty years.
- b. Condition No. 5 and 8 relate to the provision and maintenance of a fence along the Vermont Avenue frontage. The applicant's representative indicated that hedges are provided in that area.
- c. Condition No. 16 prohibits any use or structure on the premises unless otherwise permitted in the zoning district in which the parking lot is located. The applicant indicated that a trailer housing homeless women was previously located on the site and that a trailed used to distribute food by Bread for the City is currently located on the site.

There are no opposition to the motion to reconsider the conditions of the Board's order.

Upon consideration of the motion, the record in the application and its final order, the Board concludes that all of the conditions contained in its order dated April 19, 1991 have been included in the Board's approval of the subject parking lot in its Order Nos. 13816, dated February 13, 1983; 14181, dated November 28, 1984, and 14440 dated August 25, 1986. The Board notes that the subject parking lot has operated with Board approval since 1962. The applicant should be cognizant of the fact that such approval requires that the parking lot operate in compliance with the condition imposed by the Board. The fact that the applicant has not complied with several of the conditions imposed by the Board's order since 1983 does not justify waiving those conditions. The Board must admonish the applicant to bring the parking lot into compliance with its approval. The Board notes that if changes in the operation of the lot are warranted, the applicant may file a new application and the Board would consider any changed circumstances during the public hearing process. The Board further notes that Condition 16 of its order does not prohibit the applicant from obtaining an additional certificate of occupancy to allow the establishment of another permitted use on the subject site.

Based on the foregoing it is hereby **ORDERED** that the motion for reconsideration of the conditions of the Board's order dated April 19, 1991 is **DENIED**. The order of the Board dated October 19, 1991 shall remain in full force and effect.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to deny; John G. Parsons abstaining by proxy).

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

ATTESTED BY:



MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: NOV 27 1991

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."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15384

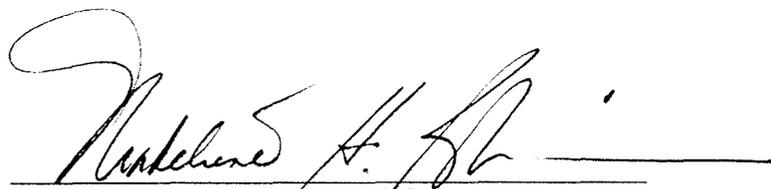
As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 27 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Clifford W. Waddy, Chairperson
Advisory Neighborhood Commission 2-C
1200 S Street, N.W., #201
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MADELIENE H. ROBINSON
Acting Director

DATE: NOV 27 1991

15384Att/bhs