

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15401, of Thomas E. Clark, Elizabeth J. Blake and Ellen C. Golibart, as amended, pursuant to 11 DCMR 3108.1, for special exceptions under Section 215 to establish an accessory parking lot and to waive under Sub-section 215.5 the requirement of Sub-section 2303.2(a) to provide a 42 inch high masonry wall for an accessory parking lot of fourteen spaces in an R-1-B District at the rear of 4434 Connecticut Avenue, N.W., (Square 1971, Lots 831 and 832).

HEARING DATE: December 12, 1990
DECISION DATE: December 12, 1990 (Bench Decision)

SUMMARY ORDER

At the public hearing, the applicant submitted revised plans reducing the number of parking spaces from fifteen to fourteen and requested that the application be amended to include an additional special exception under Sub-section 215.5 for a waiver of the requirements of Paragraph 2303.2(a) to provide a 42 inch high masonry wall.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 3F and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 3F. ANC 3F, which is automatically a party to the application, filed a written statement of 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 special exception pursuant to 11 DCMR 215 and 215.5. 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 3108, 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 FIVE YEARS.
2. The lot shall be developed in accordance with the revised plans marked as Exhibit No. 24 of the record.
3. The hours of operation shall not exceed from 8:00 A.M. to 9:00 P.M.
4. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
5. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
6. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
7. 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.
8. 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.
9. No vehicular entrances or exit shall be within forty feet (40') of a street intersection as measured from the intersection of the curb lines extended.
10. 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.
11. The 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 and growing condition and in a neat and orderly appearance.

VOTE: 4-0 (Sheri M. Pruitt, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant; Lloyd D. Smith not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JAN 15 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.

15401order/LJP68

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15401

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 JAN 15 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:

Allison Prince, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W., Ste. 1100
Wash, D.C. 20006

Joseph M. Whelan
6655 Mid-Cities Avenue
Beltsville, MD 20705-1415

Eben Fodor, Chairperson
Advisory Neighborhood Commission 3-F
4401 Connecticut Avenue, N.W., Suite 205
Washington, D. C. 20008

A handwritten signature in black ink, appearing to read "E. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: JAN 15 1991