

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15593 of Chasleton Apartments Associates, pursuant to 11 DCMR 3108.1, for a special exception under Section 215 to continue to operate an accessory parking lot for an apartment house (1701 16th Street, N.W.) in an R-5-B District at premises rear of 1720 15th Street and 1511-1514 R Street, N.W., (Square 192, Lots 49, 50, 52, 806, 807, 816, 817, 826-828).

HEARING DATE: December 18, 1991
DECISION DATE: December 18, 1991 (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 Advisory Neighborhood Commissions (ANCs) 2B, 1B, 2C and 1C, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2B, and within close proximity to ANCs 1B, 2C and 1C. ANC 2B, which is automatically a party to the application, by letter dated November 21, 1991 supported the granting 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. No person or entity appeared at the public hearing in opposition to the application 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 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 Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE YEARS** from the date of expiration of the previous certificate of occupancy, namely, March 29, 1991..
2. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

3. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
4. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
5. 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.
6. 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.
7. 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.
8. Landscaping shall be in accordance with the plans as approved in BZA Order No. 14516. The applicant shall plant and maintain shrubbery along the fence and to the height of the fence on R Street.
9. The applicant shall not permit non-residents of the apartment building to lease spaces in the lot.
10. The applicant shall build and maintain a fence around the lot.
11. The applicant shall monitor parking in the alley behind the 1700 block of 15th Street, N.W., to ensure that Chastleton residents do not block the alley with illegally parked vehicles.
12. The lot shall be patrolled regularly to ensure that illegal activities are not occurring on the property.

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.

BZA APPLICATION NO. 15591
PAGE NO. 3

VOTE: 3-0 (Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case; Tersh Boasberg not present, not voting).

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

ATTESTED BY:



MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

JAN 30 1992

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.

ord15593/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



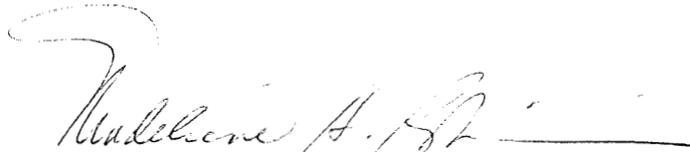
APPLICATION/APPEAL NO. 15593

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated JAN 30 1982 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Paul Resnik
Chastleton Apartment Associates
222 Smallwood Village Center
St. Charles, MD 20602

Thomas Saldana
300 M Street, S.W. # 710
Wash, D. C. 20024

Mr. Dennis Bass, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W.
Washington, D.C. 20036


MADELIENE H. ROBINSON
Acting Director

DATE OF APPROVAL: _____