

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15887 of Richard W. Tynes, Jr., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 802 to establish a recycling processing facility in a C-M-1 District at premises 6130 North Capitol Street, N.W. (Parcel 135/238 near Square 3374).

HEARING DATE: December 21, 1994  
DECISION DATE: December 21, 1994 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4B. ANC 4B, which is automatically a party to this application, submitted 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 802. No person or entity appeared at the public hearing in opposition to this 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, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that this application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.
2. The proposed facility shall be constructed in accordance with the plans marked as Exhibit No. 44 of the record.

3. The applicant shall screen the proposed addition with a ten-foot high chain link fence with slats generally as shown on the plans marked as Exhibit No. 44 of the record and it is to be extended for a distance of eight to ten feet along the north west property line. The portion of the ten-foot fence which fronts along Chillum Road and a distance of eight to ten feet along the north west property line shall also include no fewer than five brick pilasters, two of which shall be located on either side of the gate and the two corner pilasters on each end shall reveal a return. The fence shall be maintained in good repair at all times.
4. The applicant shall landscape the property as shown on the plans marked as Exhibit No. 44 of the record. The height of the foster holly trees shall be between seven and eight feet in height at planting. The applicant shall maintain the landscaping around the existing administration office and storage facility, as well as the landscaping of the proposed addition, in a neat and healthy growing condition.
5. There shall be no processing of hazardous materials at the subject site.
6. There shall be no storage of recyclable or residue materials on the exterior of the structure at any time. The applicant shall maintain the site and immediately adjacent public space free of refuse and debris at all times.
7. The number of employees, including administrative personnel, shall not exceed 25 at any one time.
8. The facility shall be administered by on-site personnel during all hours of operation.
9. The number of truck trips delivering materials to the site shall not exceed 40 per day. The number of trucks removing residue material from the site shall not exceed ten per month.
10. The hours of operation of the facility shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday. All truck arrivals and departures shall occur during the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

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 appropriate in this case.

VOTE: 3-0 (Craig Ellis, Laura M. Richards and Angel F. Clarens to grant; Susan Morgan Hinton not present, not voting).

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

ATTESTED BY:   
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: DEC 30 1994

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  
BOARD OF ZONING ADJUSTMENT



---- APPLICATION NO. 15887

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 30 1994 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:

Richard Tynes  
8177 East Beach Drive, N.W.  
Washington, D.C. 20012

John Gray  
7603 Georgia Avenue, N.W.  
Washington, D.C. 20012

Vannie Taylor, III, Chairperson  
Advisory Neighborhood Commission 4B  
6856 Eastern Avenue, N.W., #350  
Washington, D.C. 20012

  
MADELIENE H. ROBINSON  
Director

DATE: DEC 30 1994

15887Att/bhs