

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15919 of the Inez Cushard Family Trust, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to continue to operate a parking lot in an R-2 District at the rear of 4926 Wisconsin Avenue, N.W. (Square 1671, Lot 30).

HEARING DATES: March 9 and May 11, 1994
DECISION DATE: May 11, 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) 3E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to the application, submitted a written statement of issues and concerns in opposition to the application. However, the ANC subsequently withdrew its opposition pursuant to a consent agreement between ANC-3E and the applicant.

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 213. 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, 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 the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of three years from the date of the expiration of previous Board Order No. 15181 (i.e., December 26, 1993).
2. Use of the lot shall first be offered to the customers and employees of businesses located in the 4900 block of Wisconsin Avenue N.W. Any unrented spaces may then be offered to other area businesses.

3. The hours of operation shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday.
4. The lot shall be secured during all hours that it is not in operation, to prevent unauthorized use.
5. The applicant shall install a gate to operate automatically at the point of ingress and egress.
6. The property shall be cleared of all trash and debris on a daily basis.
7. There shall be no trash containers kept on the lot. Trash shall be disposed of by the businesses served by the lot.
8. The applicant shall post and maintain a sign giving information on who to contact in the event of a complaint or emergency.
9. The applicant shall post and maintain signs in the northern and western areas of the parking lot indicating that the two substandard parking spaces are reserved for compact cars.
10. The masonry walls surrounding the lot shall be repaired and maintained in good condition at all times.
11. The cable and posts along the eastern boundary shall be maintained in a good state of repair and in an orderly fashion.
12. Any landscaping provided on the lot shall be maintained in a healthy growing condition and shall have a neat and orderly appearance. Planter boxes shall be maintained in a good state of repair and replaced as necessary.
13. All areas devoted to driveways, access lanes, and parking areas shall be maintained with an all-weather impervious surface paving material. All potholes shall be repaired expeditiously.
14. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
15. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
16. No other use shall be conducted from or upon the premises.

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.
18. The applicant shall establish, through its designated representative, an ongoing liaison with Advisory Neighborhood Commission 3E and the property owners in the square to resolve any problems that might arise due to the operation 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 appropriate in this case.

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

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: MAY 27 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."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 27 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:

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MADELIENE H. ROBINSON
Director

DATE: MAY 27 1994