

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16250 of Kaiser Investments Company, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 214 to continue accessory parking spaces, a variance to allow accessory parking spaces for single-family dwellings to be located elsewhere than on the same lot as the dwellings (Subsection 214.1), a variance to locate accessory parking spaces more than 200 feet from the area to which they are accessory (Subsection 214.3), and a variance to allow accessory spaces that are not contiguous to or separated by an alley from the area to which they are accessory (Subsection 214.4) for accessory spaces on alley lots in a CAP/R-4 District at premises Rear 415 3rd Street, N.E., Rear 416 and 424 4th Street, N.E. (Square 780, Lots 43,62, and 810).

HEARING DATE: July 16, 1997
DECISION DATE: July 16, 1997 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, did not file a written statement.

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 variance from the strict application of the requirements of 11 DCMR 214.1, 214.3, 214.4 and a special exception pursuant to 214. 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 3107 that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, 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 Map. The Board further concludes that the applicant has met the burden of proof pursuant to 11 DCMR 3108

and 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 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:

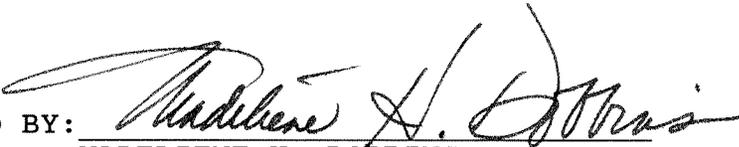
1. Approval shall be for a period of seven (7) years.
2. The number of parking spaces shall not exceed 55.
3. The lots shall be cleaned daily.
4. All parts of the lots shall be kept free of trash and debris.
5. The applicant shall maintain a liaison person to ensure that the lots operate with minimal impact on the community. Community residents must be able to reach the contact person to express any concerns about the operation of the lots.
6. The lots shall be available for use by community members after 7 p.m. and on the weekends.
7. Wheel stops shall be maintained at the top of each parking space.
8. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
9. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a material forming an all-weather impervious surface.
10. No vehicle or any part thereof shall be permitted to project over any lot or building line, or on or over the public space.
11. No other use shall be conducted from or upon the premises and no other 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.
12. Any lighting used to illuminate the accessory parking spaces shall be arranged so that all direct rays are confined to the surface of the parking lot.

13. Signage shall be posted on the property, to include a telephone number, identifying the Heritage Foundation as the point of contact.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 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: 5-0 (Laura M. Richards, Susan Morgan Hinton, Sheila Cross Reid, Betty King and Maybelle Taylor Bennett to grant)

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

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: AUG 20 1997

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 310.1, "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 TWO YEARS, 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



BZA APPLICATION NO. 16250

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 20 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Allison C. Prince
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W., Suite 1100
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Ralph D. Kaiser
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Marshall Williams, Chairperson
Advisory Neighborhood Commission 6A
MedLink Hospital
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Becky Fredriksson
312 D Street, N.E.
Washington, D.C. 20002

Gretchen Kugel
2604-H South Arlington Mill Drive
Arlington, Virginia 22206

A handwritten signature in cursive script, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS
Director

DATE: AUG 20 1997