

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16286 of Ingersoll and Bloch, Chartered, as amended, pursuant to 11 DCMR 3108.1, and 3107.2 for a special exception under Subsection 505.1 to establish a parking lot in an SP-1 District and a variance from the provisions of Subsection 505.6 to allow all-day commuter parking in an SP-1 District at premises 1304-1312 N Street, NW [Square 245, a portion of Lot 840 (Lots 9, 10, 11 and 12)].

**Hearing Date: December 17, 1997**

**Decision Date: December 17, 1997 (Bench Decision)**

**AMENDED SUMMARY ORDER**

This order amends the Board's order that was previously issued on this application by clarifying the lots involved in this case, in accordance with the amended statement of the applicant dated December 5, 1997. The original application cited Lot 840, a tax lot, as the subject site. However, this application involves only a portion of Lot 840, which includes record lots 9, 10, 11 and 12.

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) 2F and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to this application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board 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 Subsection 505.6 and a special exception pursuant to Subsection 505.1. 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 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 be **GRANTED, SUBJECT** to the following conditions:

1. The order shall expire on March 25, 1999.
2. The parking lot shall be lit during all dark hours.
3. The parking lot shall be secured when no attendant is present.
4. Landscaping shall be maintained in a healthy growing condition.
5. The lot shall be kept free of refuse and debris.

**VOTE: 3-0** (Sheila Cross Reid, Susan Morgan Hinton, and Betty King to grant; Laura M. Richards not voting, not having heard the case).

**BY ORDER OF THE BOARD OF ZONING ADJUSTMENT**

ATTESTED BY:



**MADELIENE H. DOBBINS**  
Director

Final Date of Order:                     JAN 23 1998

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.

16286ord/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16286**

As Director of the Board of Zoning Adjustment, I certify and attest that on JAN 23 1998 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:

Norman M. Glasgow, Jr. &  
Paul A. Tummonds, Jr.  
Wilkes, Artis, Hedrick and Lane  
1666 K Street, N.W., Suite 1100  
Washington, D.C. 20006

Helen M. Kramer, Chairperson  
Advisory Neighborhood Commission 2F  
1325 13<sup>th</sup> Street, N.W. #25  
Washington, D.C. 20005

A handwritten signature in cursive script, reading "Madeliene H. Dobbins", written over a horizontal line.

MADELIENE H. DOBBINS  
Director

DATE: JAN 23 1998