

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16393 of Sander H. Mendelson and Stephen Levine**, pursuant to 11 DCMR 3107.2, for a variance under Section 1702.7(c) to continue to operate an existing parking lot providing all-day commuter parking in a DD/R-5-E District at premises 1117 11<sup>th</sup> Street, N.W. (Square 341, Lots 67, 68, 802, 803 and 825).

**HEARING DATE:** November 18, 1998  
**DECISION DATE:** November 18, 1998 (Bench Decision)

**SUMMARY ORDER**

As a preliminary matter, the applicant requested that the Board waive the 40-day notice requirements of Section 3317. Pursuant to Section 3301, the Board determined that there was good cause to grant the waiver and that granting the waiver would not prejudice the rights of any party.

The site of this application is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to this application, submitted to the Board a letter dated November 6, 1998. The ANC letter stated that at its regularly scheduled and properly noticed meeting, with a quorum of members present, ANC 2F voted unanimously to support the application with conditions.

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 1702.7(c). No person or entity appeared at the public hearing in opposition to this application or otherwise 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 3107.2, that there exists a unique or exceptional situation or condition related to the property which creates an undue hardship 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.

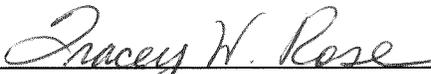
It is therefore, **ORDERED** that this application to continue an existing parking lot be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. All areas devoted to driveways, access lanes, and parking areas shall be maintained with an all-weather impervious surface paving material, which is a minimum of four inches (4 in.) in thickness.
2. No vehicle or any part thereof shall be permitted to project over any lot or building line on or over the public space.
3. No other use shall be conducted from or upon the premises.
4. The only structure allowed on the lot shall be a well maintained attendant's shelter.
5. A professionally made sign shall be used to advertise the lot.
6. Lighting used to illuminate the entire parking lot shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
7. The lot shall be cleared of all trash and debris on a daily basis.
8. A minimum of 5% of the property shall be landscaped. The landscaping will be maintained in a healthy growing condition.
9. The lot shall be fully fenced with chain link on the 11<sup>th</sup> Street side and southeast boundary of the lot, and with wrought iron on the 10<sup>th</sup> street frontage.
10. The lot shall be secured during all hours that it is not in operation.

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.

**VOTE:** 3-0 (Sheila Cross Reid, Betty King, and Jerry H. Gilreath to grant).

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

ATTESTED BY:   
for **SHERI M. PRUITT-WILLIAMS**  
**Interim Director**

**FINAL DATE OF ORDER:** DEC - 3 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 THE 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 PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDERR O F 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, 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  
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**BZA APPLICATION NO. 16393**

As Interim Director of the Office of Zoning, I hereby certify and attest that on DEC - 8 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 this matter, and who is listed below:

Norman M. Glasgow, Jr.  
Wilkes, Artis, Hedrick & Lane, Cht'd.  
1666 K Street, N.W., Suite 1100  
Washington, D.C. 20006

Advisory Neighborhood Commission 2F  
P.O. Box 9348  
Mid-City Station  
Washington, D.C. 20005

ATTESTED BY: *Shacey W. Rose*  
for **SHERI M. PRUITT-WILLIAMS**  
Interim Director

DATE: \_\_\_\_\_

Attest16393/POH