

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16509 of Dennis L. Leapley Company, Inc. pursuant to 11 DCMR 3108.1 (new 3104.1), for a special exception under Subsection 1403.2 to continue the use of a surfaced parking lot establishment to be used by employees in an RC/C-2-B District at premises 2341 Ontario Road, NW (Square 2566, Lot 841).

HEARING DATE: October 20, 1999
DECISION DATE: October 20, 1999

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 1C, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1C. ANC 1C, which is automatically a party to this application, did not submit a written statement on the application.

As directed by 11 DCMR 3324.2 (new 3119.2), the Board 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 Section 1403.2. No person or entity appearing as a party to this case testified in opposition to the application. 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 3108.1 (new 3104.1), 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 be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Nineteen parking spaces shall be provided.
2. The parking spaces shall be striped and numbered.
3. All areas devoted to driveways, access lanes and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. Bumper stops shall be erected and maintained.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. Landscaping shall be provided as identified on Exhibit 23 of the record. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
7. All parts of the lot shall be kept free of refuse or debris.
8. Lighting used to illuminate the parking lot shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

Pursuant to 11 DCMR 3301.1 (new 3101.6), the Board has determined to waive the requirement of 11 DCMR 3331.3 (new 3125.3) that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Jerry Gilreath, Sheila Cross Reid and Robert Sockwell to grant.)

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

ATTESTED BY: 
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: NOV - 3 1999

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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 3125.6, "A DECISION OR ORDER OF THE BOARD SHALL BE AND BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES."

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.

BAB/10-25-99

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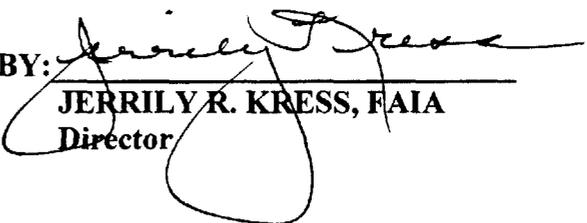
BZA APPLICATION NO. 16509

As Director of the Office of Zoning, I hereby certify and attest that on NOV - 3 1999 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:

Dennis L. Leapley
1724 Kalorama Road, NW
Washington, DC 20009

Linda Sofli, Chairperson
Advisory Neighborhood Commission 1C
P.O. Box 21652
Washington, DC 20009

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director