

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16548 of National Association for the Education of Young Children, pursuant to 11 DCMR 3104.1, for a special exception under Section 213 to continue the use and operation of an existing parking lot with 22 parking spaces in an R-5-B District at premises 1522-26 Church Street, N.W. (Square 194, Lots 50 through 52).

HEARING DATE: February 16, 2000

DECISION DATE: February 16, 2000 (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, by mail to Advisory Neighborhood Commission (ANC) 2B, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, filed a written statement in support of the application with five conditions.

The Advisory Neighborhood Commission in addition to nearby property owners expressed concerns about this application. Some of the concerns of the neighborhood residents are:

- The lack of maintenance of the lot by the association over the past few years and the association's failure to respond to neighborhood complaints.
- The Applicant failed to obtain the proper Certificate of Occupancy (C of O) to operate the parking lot since approval of the previous order. (Order No. 15735 was issued on September 2, 1994.)
- The Applicant did not follow-through on the Board's previous order. Specifically, fences were not constructed; landscaping and screening was not provided; and, an old shack that was located on the property was not removed in a timely manner.
- The parking lot was not cleaned and maintained in good condition, as required.

The Board also received letters and testimony in support of the application. Many residents indicated that the parking lot provided a needed service to the community because of severe parking constraints within the neighborhood. The parking lot provides over night parking for residents and parking for the parishioners from nearby Saint Luke's Episcopal Church. If the parking lot were discontinued, parking would spillover and could adversely impact the surrounding residential streets.

The applicant provided the Board with a copy of a proposal for re-developing the site. The work to be performed at the site includes planting new evergreen trees; removing pavement, grading and a driveway apron; and, installing a new light pole and signage.

As directed by 11 DCMR 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 213. Although there was opposition by neighborhood residents to the application, no party testified in opposition. 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 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. Approval shall be for **TWO YEARS**.
2. Visitors and employees of the National Association for the Education of Young Children shall use the parking lot during business hours.
3. The NAEYC shall obtain a Certificate of Occupancy, as soon as it is in receipt of the Board's Order.
4. During the evenings and on weekends, the parking lot shall be made available to members of the community and to nearby churches.
5. The parking lot shall be posted with a sign, which limits its use during the day exclusively to the NAEYC. The existing signage shall be modified to indicate that the lot is reserved for NAEYC members from 7:00 a.m. to 6:00 p.m., Monday through Friday.

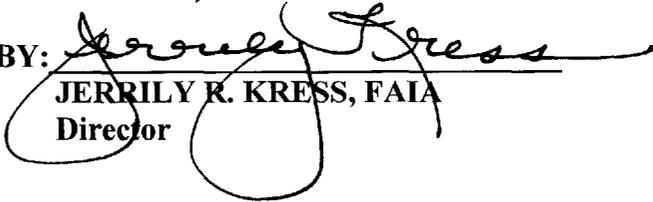
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. At least 5 percent of the lot shall be landscaped.
7. A designated person shall police the parking lot on a regular basis, Monday through Friday, for security purposes.
8. The parking lot shall be striped so as to designate the location of all parking spaces.
9. Lighting shall be provided to sufficiently illuminate all areas of the lot. Such illumination shall be so arranged that all direct rays of the lighting are confined to the surface of the parking lot.
10. The Applicant shall implement the proposed landscaping and maintenance contract (Exhibit No. 33 of the record).

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 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: 3-1-1 (Robert Sockwell, Rodney Moulden, Anne Renshaw to approve; Carol Mitten, opposed to the motion; Sheila Cross Reid, abstaining.)

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

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAR 21 2000

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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6".

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/3.9.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16548

As Director of the Office of Zoning, I hereby certify and attest that on MAR 21 2000, a copy of the order entered on that date in this matter before the Board of Zoning Adjustment 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:

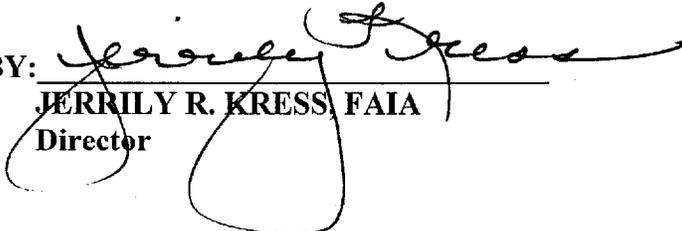
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ATTESTED BY:



JERRILY R. KRESS, FAIA
Director