

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 17618 of Sylvia Kotz Realty Revocable Trust**, pursuant to 11 DCMR § 3104.1, for a special exception to permit a surface parking lot under section 213, in the DC/R-5-B District at premises 1629 Corcoran Street, N.W. (Square 179, Lot 71).

**HEARING DATE:** June 12, 2007

**DECISION DATE:** July 3, 2007

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 213. No parties appeared at the public hearing in opposition to this 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 and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 213, that the requested relief can be granted, 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.

**BZA APPLICATION NO. 17618**  
**PAGE NO. 2**

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for **FIVE (5) YEARS** from the effective date of this order.
2. The parking lot shall be improved as shown on the approved drawings in this Order. All parking spaces shall meet applicable standards with respect to size and location as set forth in §§2115 and 2116 of the Zoning Regulations.
3. Consistent with §2303.1 of the Zoning Regulations, the parking lot shall be designed and striped so that no vehicle or any part of a vehicle projects over any lot line or building line.
4. Approximately a minimum of 20.8 percent of the lot shall be landscaped as shown on the revised site plan approved in this Order (Exhibit 27 - Special Exception Plat No. 1). The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
5. McDonald's franchise operator shall maintain a landscape maintenance agreement for the initial installation, planting of landscape improvements and the semi-annual landscape maintenance as shown on the revised site plan approved in this Order.
6. McDonald's franchise operator shall also provide daily, weekly, and/or as needed regular maintenance and upkeep of landscaping, including watering, weeding and removal of debris from the landscape area.
7. McDonald's franchise operator shall promptly contact the landscaping company with whom it has a landscaping agreement in the event any plantings appear distressed or dying and to have the company treat, repair, medicate and/or remove and re-plant.
8. The property shall be kept free of refuse and debris. The trash enclosure on the property shall remain locked and securely covered when not in active use. The trash enclosure shall be kept in a neat and tidy condition.

**VOTE:**       **4-0-1** (John A. Mann II, Ruthanne G. Miller and Curtis L. Etherly, Jr. to approve; Anthony J. Hood to approve by absentee ballot; Marc D. Loud not present, not voting)

**BZA APPLICATION NO. 17618**  
**PAGE NO. 3**

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

Each concurring member approved the issuance of this order.

ATTESTED BY:

  
\_\_\_\_\_  
**JERRILY R. KRESS, FAIA**  
Director, Office of Zoning

FINAL DATE OF ORDER: JUL 13 2007

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION,

**BZA APPLICATION NO. 17618**  
**PAGE NO. 4**

GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TWR

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**BZA APPLICATION NO. 17618**

As Director of the Office of Zoning, I hereby certify and attest that on **JULY 13, 2007**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Dennis R. Hughes, Esq.  
Holland & Knight, LLP  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, D.C. 20006

Diane Esther Kotz  
Sylvia Kotz Realty Revocable Trust  
88 Stanley Road  
Swampscott, MA 01907

Chairperson  
Advisory Neighborhood Commission 2B  
9 Dupont Circle, N.W.  
Washington, D.C. 20036

Single Member District Commissioner 2B04  
Advisory Neighborhood Commission 2B  
9 Dupont Circle, N.W.  
Washington, D.C. 20036

Matthew LeGrant  
Acting Zoning Administrator  
Dept. of Consumer and Regulatory Affairs  
Building and Land Regulation Administration  
941 North Capitol Street, N.E., Suite 2000  
Washington, D.C. 20002

**BZA APPLICATION NO. 17618**  
**PAGE NO. 2**

Jack Evans, City Councilmember  
Ward Two  
1350 Pennsylvania Avenue, N.W., Suite 106  
Washington, D.C. 20004

Harriet Tregoning, Director  
Office of Planning  
801 North Capitol Street, N.E., 4<sup>th</sup> Floor  
Washington, D.C. 20002

Alan Bergstein, Esquire  
Office of the Attorney General  
441 4<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20001

Jill Stern, Esquire  
General Counsel  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street, N.E., Suite 9400  
Washington, D.C. 20002

**ATTESTED BY:**

  
\_\_\_\_\_  
**JERRILY R. KRESS, FAIA**  
**Director, Office of Zoning**

TWR