

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

RECEIVED
D.C. OFFICE OF ZONING
2012 MAR 21 PM 3:20



Application No. 18323 of Robert M. Holland, pursuant to 11 DCMR § 3104.1, for a special exception to allow a fifty-five (55) space accessory parking lot under section 214, in the R-2 District, at premises 3831 McKinley Street, N.W. (Square 1860, Lots 5,6,7,17 and 18).

HEARING DATE: March 6, 2012
DECISION DATE: March 6, 2012

SUMMARY ORDER

SELF-CERTIFIED

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

The Board of Zoning Adjustment ("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") 3G and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. ANC 3G submitted a report in support of the application if the conditions from the Applicant's previous order (No. 17906) are included in the instant approval. (Exhibit 21.) The Office of Planning ("OP") also submitted a report recommending conditional approval of the application. (Exhibit 27.) The D.C. Department of Transportation stated that it has no objection to the application. (Exhibit 28.)

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 relief under § 214. 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 214, 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

BZA APPLICATION NO. 18323
PAGE NO. 2

granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, 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 is hereby **GRANTED, SUBJECT to the following CONDITIONS:**

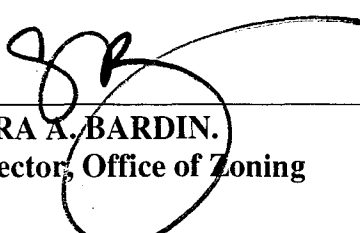
1. Approval shall be for a period of FIVE YEARS beginning on the date upon which the order became final.
2. A parking attendant from Magruder's shall be present on the lot during the core hours of operation (10:00 a.m. - 6:00 p.m.) and shall assist in keeping the alley clear of vehicles and monitor the entry of cars from McKinley Street into the lot.
3. The parking lot, the retaining wall, and the adjacent landscaping shall be maintained, policed, and kept in prime condition.
4. The lot shall be secured with a gate, chain or cable during all hours that it is not in operation.
5. Deliveries to the store, which occur from the lot, shall be limited to the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday and between 9:00 a.m. and 3:00 p.m. on Sunday. All vendors shall be instructed that horn blowing is not allowed at any time. Store personnel shall be signaled through alternative means provided by Magruder's.
6. The Applicant shall install and maintain professionally lettered traffic signage indicating the entrances and exits to the lot. The applicant shall install appropriate signs to advise vehicle operators not to block the sidewalk. All crosswalk markings between the parking lot entrances shall be visible and maintained/repainted as required, including required markings in the driveway connected to McKinley Street to reinforce the entrance.

VOTE: 5-0-0 (Meridith H. Moldenhauer, Nicole C. Sorg, Lloyd J. Jordan, Jeffrey L. Hinkle, and Konrad W. Schlater to Approve)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY: _____


SARA A. BARDIN.
Director, Office of Zoning

FINAL DATE OF ORDER: MAR 12 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. 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, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 18323

As Director of the Office of Zoning, I hereby certify and attest that on MAR 12 2012, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail or delivered by electronic mail in the case of those ANC's and SMDs that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Martin P. Sullivan
Sullivan & Barros, LLP
1991 M Street, Suite 200
Washington, D.C. 20036

Robert M. Holland
24271 Waterview Drive
Worton, Maryland 21678

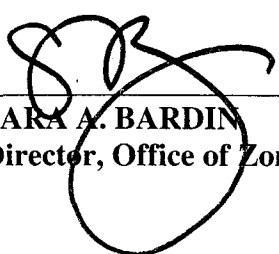
Single Member District Commissioner 3G-06
Advisory Neighborhood Commission 3G
3835 Livingston Street, N.W.
Washington, D.C. 20015

Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252 Northwest Station
Washington, D.C. 20015

Melinda Bolling, Esquire
General Counsel
Office of General Counsel
Dept. of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, D.C. 20024

Mary Cheh, Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W., Suite 108
Washington, D.C. 20004

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ZONING

441 4th STREET, N.W. SUITE 200-S/210-S
WASHINGTON, D.C. 20001

OFFICIAL BUSINESS
PENALTY FOR MISUSE



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.45⁰
0004232913 MAR 12 2012
MAILED FROM ZIP CODE 20001

Martin P. Sullivan
Sullivan & Barros, LLP
1991 M Street, Suite 200
Washington, D.C. 20036

NSN 3647

NIXIE 208 DE 1 00 03/16/12

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 20001271441 *1631-00682-12-99

2003633505 01
2000102714

