

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15557 of C.W.C., Inc., pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 215 to allow accessory parking spaces and a variance from the use provisions (Sub-section 330.5) to allow a portion of an addition to a retail hardware store to be located in the R-4 portion of a site at a C-2-A and R-4 District at premises 1115 Pennsylvania Avenue S. (Square 994, Lot 37).

HEARING DATE: October 9, 1991
DECISION DATE: October 9, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood (ANC) 6B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of Advisory Neighborhood Commission (ANC) 6B. ANC 6B, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

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 special exception pursuant to 11 DCMR 215, and a variance from the strict application of the requirements of 11 DCMR 330.5. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to 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 3108 and 3107, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE (5) YEARS**.
2. Construction shall be in accordance with the plans marked as Exhibit No. 5 and amended by Exhibit Nos. 18B and 26 of the record. All areas devoted to driveways, access

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lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

3. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
4. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
5. All parts of the lot shall be kept free of refuse or debris and be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. A four (4) foot high evergreen hedge shall be installed and maintained along the perimeter of the abutting residential properties.
6. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
7. To facilitate traffic circulation and pedestrian safety, the vehicular access to the parking lot from Pennsylvania Avenue shall be designated as the "ENTRANCE" only and the vehicular access from 11th Street shall be designated for "EXIT" only.
8. All lighting shall be non-glare and directed to the surface of the parking lot. In the absence of measures restricting access to the parking area at night, the applicant shall provide adequate lighting through-out the night.
9. The parking lot shall be accessible to emergency vehicles at all times.
10. The parking lot shall be secured and keys shall be made available to neighboring property owners and residents to allow their use of the lot after business hours.
11. The applicant shall make security arrangements for the parking lot. These arrangements shall be acceptable to both the Metropolitan Police Department and the D.C. Fire and Emergency Medical Services Department and shall be made to ensure protection and essential services to the adjoining properties. This may include restrictions related to access and use of the parking lot at night.

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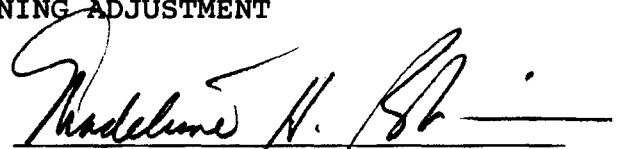
12. The applicant shall provide a customer service pick-up area in front of the store.

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: 4-0 (Paula L. Jewell, Sheri M. Pruitt, Charles R. Norris and Carrie L. Thornhill to grant).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

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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 3103.1, "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS 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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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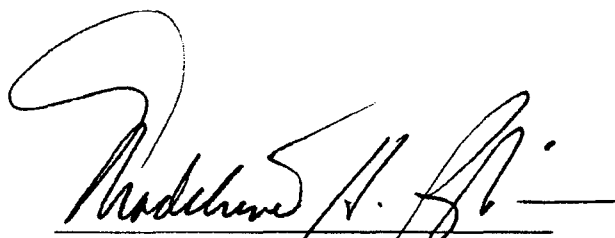
As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated NOV 19 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Acting Director

DATE: NOV 19 1991