

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18753 of Robert Holland, et al., pursuant to 11 DCMR § 3104.1, for a special exception for an accessory parking lot under § 214, in the R-2 District at premises 3820-3826 McKinley Street, N.W. (Square 1859, Lots 49, 50, 51, and 92).¹

HEARING DATE: May 13, 2014

DECISION DATE: May 13, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") 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 timely written report, dated April 28, 2014, in which the ANC indicated that at a properly noticed, regularly scheduled public meeting held on April 28, 2014, with a quorum of four out of five Commissioners present, the ANC voted 4:1 to support the application with conditions, including increasing the term limit to 10 years. (Exhibit 24.)

The Office of Planning ("OP") submitted a timely report on May 6, 2014, recommending approval of the application with conditions, including increasing the term limit of approval to 10

¹ Prior approvals for the same parking lot include 17904, 16329, and 15851, all of which included four lots (Lots 49, 50, 51, and 92) in Square 1859. The advertised caption mistakenly left out Lot 92 that is part of the subject property. As the application is for the continuation of an existing use that already occupies a given area that was described in those other approvals and no boundary changes are proposed, the error was harmless. It has been corrected in the caption to the order.

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years. (Exhibit 23.) The District Department of Transportation ("DDOT") submitted a letter recommending "no objection". (Exhibit 22.)

The Applicant satisfied the burden of § 3119.2 in its request for special exception relief to allow continued operation of an existing accessory parking lot under §§ 3104.1 and 214. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 214 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.

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. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED SUBJECT TO FOLLOWING CONDITIONS**:

1. Approval shall be for **TEN (10) YEARS** from the final date of this order.
2. The maximum number of spaces in this parking facility shall be 41.
3. No trash dumpsters shall be located on the portion of the lot zoned residential.
4. The parking lot landscaping shall be properly maintained or replaced as needed.
5. Snow and ice shall be promptly removed from the parking lot.
6. Snow and ice shall be promptly removed from the sidewalk located between the parking lot and McKinley Street.
7. The Applicant shall submit a site plan to the Zoning Administrator showing the parking lot configuration for the referenced 41 spaces prior to the issuance of the new Certificate of Occupancy for the accessory parking lot use.
8. Representatives of the owners of the subject property shall establish and maintain a liaison with Advisory Neighborhood Commission 3G to discuss problems that might arise in connection with the operation of the parking lot to ensure that it continues to have no objectionable impact on the immediate area.

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

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

VOTE: **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller,
to Approve; S. Kathryn Allen, not participating or voting.)

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

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

ATTESTED BY:  _____ *for*
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 16, 2014

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.