GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15752 of 5501 Connecticut Avenue Associates, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to continue to operate an accessory parking lot serving a commercial building on the same lot in a C-1 and R-1-B District at premises 3725 Livingston Street, N.W. (Square 1868, Lot 69).

HEARING DATE: November 18, 1992
DECISION DATE: November 18, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of 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 the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to the application, submitted written 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 214. 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; that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map; and that 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 is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Approval shall be for a period of **FIVE YEARS.**

2. The parking layout shall be as shown on the plat marked as Exhibit No. 2 of the record.

3. The applicant shall prohibit loitering on the lot. In the event that one or more vagrants are loitering on the lot, the applicant shall contact the Metropolitan Police Department.

BZA
Case No. 16610
Exhibit No. 14

Board of Zoning Adjustment
District of Columbia
CASE NO.16610
EXHIBIT NO.14

4. The applicant shall comply with all D.C. Laws regarding snow removal on public sidewalks adjacent to the site.

5. Directional arrows painted on the surface of the lot to establish a one-way driving pattern in accordance with the Board's previous approval shall be maintained in good condition.

6. The applicant shall maintain in good condition the "Right Turn Only" sign in the public space at the exit from the lot to direct traffic toward Connecticut Avenue.

7. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface. Parking spaces shall be appropriately marked.

8. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

9. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

10. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be in accord with the revised landscaping plan submitted on March 3, 1977, in BZA file No. 12259, and shall include 33 arbor vitae trees, six feet in height at planting, and 32 Japanese Yew trees, two feet in height at planting. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

11. 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.

12. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

13. The attendant's shelter shall not be located on nor project into the public space.

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 appropriate in this case.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to approve; Angel F. Clarens and Sheri M. Pruitt not present, not voting).

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

ATTESTED BY: _____
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: DEC 8 1992

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

BZA APPLICATION NO. 15752

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 8 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Robert Diamond, Chairperson
Advisory Neighborhood Commission 3-G
P.O. Box 6252
Washington, D.C. 20015

Theodore Kligman, Esquire
503 D Street, N.W.
Washington, D.C. 20001

MADELIENE H. ROBINSON
Acting Director

DATE: DEC 8 1992