GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

CORRECTED ORDER

Application No. 16659 of John R. Klein pursuant to 11 DCMR § 3104 .1, for a special exception under sections 214, and 2303 to continue the use of an accessory parking lot in an R-1-B Districts at the rear of premises 4418 – 4420 Connecticut Avenue, N.W. (Square 1971, Lot 825).

NOTE: The application was amended at the public hearing to indicate that the zoning relief required was under section **213** instead of section 214 as originally requested by the Applicant.

HEARING DATE: February 6, 2001
DECISION DATE: March 6, 2001 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFICATION

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 the Applicant, Advisory Neighborhood Commission (ANC) 3F, and to owners of property within 200 feet of the site. The application was also referred to the Office of Planning (OP) for review and report.

The subject property is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to this application, filed a letter indicating that it voted not to object to the application provided that the trash on the premises is picked up and placed inside a dumpster with a lid that is kept closed.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under 11 DCMR §§ **213** and 2303 to continue the use of an accessory parking. No person or entity 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 ANC and the OP reports, the Board concludes that the applicant has met the burden of proof,

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pursuant to 11 DCMR §§ 3104.1, 213 and 2303, that the requested relief will be 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 the Zoning Regulations and Zoning Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS:**

1. Approval should be for a period of five years.

2. Nineteen (19) parking spaces shall be provided on the site.

3. The hours of operation shall not exceed 7:00 a.m. to 9:00 p.m.

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

5. Wheel stops shall remain installed.

6. All parts of the lot shall be kept free of refuse and debris, and shall be paved and landscaped.

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

8. The garbage container/dumpster shall remain at the location identified on the site plan.

9. Landscaping shall be provided as identified in the landscaping proposal, dated February 13, 2001, contained in Exhibit 29.

10. 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 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 be confined to the surface of the parking lot.

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. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0-2 (Susan M. Hinton, Robert N. Sockwell and Anne M. Renshaw to approve; Anthony J. Hood, not present, not voting, the third Mayoral appointee not participating, not voting).

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

Each concurring member has approved the issuance of this Order.

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

Final Date: JUN 13 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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, 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.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16659

As Director of the Office of Zoning, I hereby certify and attest that on JUN 13 2001, a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid or sent by inter-agency mail, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

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