Government of the District of Columbia

OFFICE OF ZONING

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September 14, 2001

David J. Bardin
Chairman
Advisory Neighborhood Commission 3F
P.O. Box 39290
Washington, D.C. 20016-9290

Re: BZA Corrected Order No. 16659 – Parking Lot at 4418-4420 Connecticut Avenue, N.W.

Dear Chairman Bardin:

This is to follow-up in writing to your correspondence and later discussion with Richard Nero, Special Assistant, concerning the Advisory Neighborhood Commission's (ANC) assertion that the above-referenced Board of Zoning Adjustment order inadvertently left out a proposed condition requiring that the trash dumpster have a lid that is kept closed. A re-examination of the record of the Board's March 6, 2001 decision meeting has determined that the conditions cited in the order accurately reflects the Board's intentions in this regard. I have attached a copy of the transcript for your information. As Rick mentioned, the ANC has the option of submitting a written motion for reconsideration of the Board's decision. Pursuant to 11 DCMR § 3126.4, a motion would have to state specifically all respects in which the final decision is claimed to be erroneous, the grounds of the motion and the relief sought. If the ANC decides to file a motion OZ will would put it on the agenda of the next scheduled BZA public meeting since the ANC's original letter questioning the omitted condition was timely filed. Please serve all parties if the ANC decides to file any motion.

Please feel free to call Rick, on (202) 727-6311, if you have any questions.

Sincerely,

JERRILY R. KRESS, FAIA
Director

Attachment

BZA
Case No. 16659
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO.16659
EXHIBIT NO.35

might have been testified to in the previous hearing, but let's double-check.

(Brief Pause.)

MS. MAXINE BROWN-ROBERTS: Mr. Sockwell, Maxine Brown-Roberts from the Office of Planning. When I visited the site, and observed the dumpster, it did have a cover on it.

CHAIRPERSON SOCKWELL: Thank you.

COMMISSIONER HINTON: Mr. Chairman, I would move for approval of the application.

CHAIRPERSON SOCKWELL: I am just looking to see if --

BOARD MEMBER RENSHAW: I think we are checking the record on the placement of that dumpster.

CHAIRPERSON SOCKWELL: On my drawing, it is clear that the location of the dumpster is back where it is supposed to be, as different from where it had been in the original application file.

But in the master file I did not see what I was looking for. However, we will just speak to the fact that the dumpster will remain at the mouth of the parking lot, to the left of the entrance in the first space.

BOARD MEMBER RENSHAW: And we have annotated a copy and are putting it in the record.

CHAIRPERSON SOCKWELL: Fine. All right. I would then on that basis second the motion for approval. Any discussion?

(No audible response.)

CHAIRPERSON SOCKWELL: All in favor say aye?

(A chorus of ayes.)

CHAIRPERSON SOCKWELL: Opposed?

(No audible response.)

CHAIRPERSON SOCKWELL: Abstentions?

BOARD MEMBER RENSHAW: What is the term? How many years?

CHAIRPERSON SOCKWELL: The term of this, I believe, is five years.

COMMISSIONER HINTON: We have a summary order that was prepared for our review, and I would recommend to the Board that we adopt that order. And it has 12 conditions attached to it, the first of which says that approval should be for a period of 5 years.

CHAIRPERSON SOCKWELL: All right. If you want to read those conditions into the record.

COMMISSIONER HINTON: Number 2 is 19 parking spaces shall be provided on the site. Number 3, the hours of operation shall not exceed 7:00 a.m.

to 9:00 p.m.

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

Five, wheelstops shall remain installed. Six, all parts of the lot shall be kept free of refuse and debris, and shall be paved and landscaped.

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

Eight, the garbage container/dumpster shall remain at the location identified on the site plan, which is attached hereto and incorporated by reference.

Nine, landscaping shall be provided as identified on the site plan. Number 10, landscaping shall be maintained in a healthy, growing condition, and in a neat and orderly appearance.

Number 11, no other use shall be conducted from or upon the premises, and no structure other than an attendance 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.

And, number 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.

CHAIRPERSON SOCKWELL: Those conditions seem reasonable to me. Are there any questions about the conditions?

(No audible response.)

CHAIRPERSON SOCKWELL: Then those conditions shall become part of the order.

MS. SANSONE: Mr. Chairman, I just have a comment on the draft order. The applicant and the Office of Planning -- the applicant had requested a waiver under Section 2303.2(a), which was a requirement of a solid masonry wall.

And the OP had recommended that that waiver be granted. I noticed that in this proposed summary order that it does not reference relief from that section.

I believe that the Board would need to provide that relief, and also I would note that the applicant has cited here the old special exception section of 3108.1. The correct section under the new regulations is 3104.1.

CHAIRPERSON SOCKWELL: Okay. I would agree with those modifications that the variance against the requirement for a solid masonry wall be added to the conditions, and that the reference to zoning ordinance sections be corrected. And on that basis, we can go to the next case.

MR. HART: The staff will record the vote as three to zero to one; Ms. Morgan Hinton, Mr. Sockwell, and Ms. Renshaw, and Mr. Anthony Hood not present and not voting.

The Board has indicated that we should adopt the summary order and the conditions as submitted, and to include corrected sections and regulations, and that these corrected sections be added to the summary order.

CHAIRPERSON SOCKWELL: Correct.

MR. HART: The next case is Application 16647 of James A. and Sylvia E. Curtis, pursuant to 3103.2, for a variance from the use provision of Subsection 300.3 to use the subject premises as a two-unit family flat located in R-2 and R-4 Districts at premises 4638, 4650, and 4654 Hillside Road, Southeast, and that is in Square 5362, Lots 65, 66, and 70.

The Board scheduled a decision on the