GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16673 of The Metropolitan Memorial United Methodist Church/American University pursuant to 11 DCMR § 3104.1, for a special exception under section 214, to allow American University to continue the use of an existing surface parking lot as accessory parking during the weekdays in an R-5-A and WH/R-1-B Districts at premises 3401 Nebraska Avenue, N.W. (Square 1601, Lot 10).

HEARING DATE: February 20, 2001
DECISION DATE: February 20, 2001 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is 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 Advisory Neighborhood Commission (ANC) 3D, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3D. ANC 3D, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR § 214. 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, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, 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:**

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EXHIBIT NO.35

1. The approval shall be for **TEN** years.

2. The hours of operation of the facility by the University shall be approved by the church.

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

4. Bumper stops shall be maintained for the protection of adjoining buildings.

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

6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

7. 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.

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: 5-0-0 (Robert N. Sockwell, Sheila Cross Reid, Susan M. Hinton, Anne M. Renshaw and John G. Parsons (by absentee vote) to grant).

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, FAIA
Director

Final Date of Order: APR 4 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.

VCE

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16673

As the Director of the Office of Zoning, I hereby certify and attest that on APR 4 2001, a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Maureen E. Dwyer, Esquire
ShawPittman
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Andrew Altman, Director
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801 North Capitol Street, 4th floor
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Stephen S. Griswold, Commissioner
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Eleanor Roberts Lewis, Chairperson
Advisory Neighborhood Commission 3D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

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Kathleen Patterson, Councilmember
Ward Three
441 4th Street, N.W., Room 709
Washington, D.C. 20001

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

Att/VCE