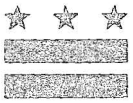
GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16724 of Louis Levy, et al., pursuant to 11 DCMR § 3104.1 for a special exception to allow a parking lot under section 213 in the R-3 and C-2-A Districts at premises 3053 M Street, N.W. (Square 1209, Lot 910).

HEARING DATE: July 3, 2001
DECISION DATE: July 3, 2001

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2E and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning for review and report.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a report in support of the application. The Office of Planning (OP), by a report dated June 26, 2001, recommended approval of the application with conditions to continue the existing parking lot for a term of ten years.

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 §§ 3104.1 and 213. No person or entity 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.

Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met its burden of proof, pursuant to 11 DCMR §§ 3104.1 and 213 and that the requested relief can be granted as 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 Map. It is therefore **ORDERED** that the application be **GRANTED** subject to the following conditions:

1. Approval shall be for a period of **TEN YEARS** from the final date of this Order.

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

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

BZA
Case No. 16724
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16724
EXHIBIT NO.29

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

5. 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.

6. 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.

7. 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.

8. The Applicant shall obtain a valid Certificate of Occupancy (C of O) for the parking lot use approved by this order.

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 (Carol J. Mitten, Geoffrey H. Griffis, and Anne M. Renshaw, to approve; Sheila Cross Reid, and Susan M. Hinton, not present, 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, FAIA
Director Office of Zoning

FINAL DATE OF ORDER: AUG - 6 2001

RSUANT 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/16559-A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16724

As the Director of the Office of Zoning, I hereby certify and attest that on AUG - 6 2001, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below.

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ATTESTED BY: Jerrily R. Kress

Jerrily R. Kress, FAIA
Director, Office of Zoning

Att/VCE