GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16746 of Wardman Court Associates, LP, pursuant to 11 DCMR § 3104.1 for a special exception to allow accessory parking spaces under section 214 in an R-5-B District at premises 13th and Clifton Terrace, N.W. (Square 2868, Lot 109).

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

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 Advisory Neighborhood Commission (ANC) 1B, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 1B. The ANC did not submit its report to the Board in time for consideration at the public hearing. The Office of Planning report recommended that the application be approved.

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 pursuant to 11 DCMR §§ 3104.1. No person or entity appearing as a party to this case testified 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 Office of Planning report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3104.1 and 214 that the granting of 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

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use of neighboring property. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous, concrete or brick materials, or a combination of these materials which form an all-weather impervious surface with a minimum thickness of four (4) inches.

2. The parking lot shall be designed so that no vehicle or any part of the vehicle projects over any lot line (except Lot 108) or building line.

3. No other use shall be conducted from or upon the parking lot, and no structure other than an attendant's shelter shall be erected or used upon the parking lot unless the use or structure is otherwise permitted in the district in which the parking lot is located.

4. No vehicular entrance or exit shall be within forty (40) feet of a street intersection as measured from the intersection of the curb lines extended.

5. Any light used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of lighting are confined to the surface of the parking lot.

6. The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five (5%) percent of the total area 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 appropriate in this case.

VOTE: **4-0-1** (Geoffrey H. Griffis, Peter G. May, David W. Levy, and Sheila Cross Reid to Approve, Anne M. Renshaw not present, not voting).

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

ATTESTED BY: _____

JERRILY R. KRESS, FAIA

Director

Final Date of Order: SEP 2 8 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.

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.

rsn

Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT



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As Director of the Office of Zoning, I hereby certify and attest that on SEP 2 8 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 and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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Terrell Junior High School
1st and Pierce Streets, N.W.
Washington, D.C. 20001

Doris Brooks, Commissioner
Single Member District Commissioner 2C03
Advisory Neighborhood Commission 2C
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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director