GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16899 of BDC Q Street LLC, pursuant to 11 DCMR § 3104.1, for a special exception under section 2116 to allow open accessory parking spaces not located on the same lot as the building they serve in an R-4 District at premises located at 1st and Q Streets, N.E., (Square 3519, Lot 801).

HEARING DATE: July 23, 2002
DECISION DATE: July 23, 2002

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) 5C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 5C. ANC 5C, which is automatically a party to the application, filed a written statement, dated July 22, 2002, of issues and concerns in support of the application. The Office of Planning submitted a Report, dated July 15, 2002, and a Supplementary Report, dated July 22, 2002, in support of the application. The District Department of Transportation (DDOT) submitted a report, dated July 22, 2002, in support of the application.

As directed by 11 DCMR § 3119.2, the Board has 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 and 2116. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. 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 its burden of proof, pursuant to 11 DCMR § 3104.1 for a special exception under § 2116, 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**:

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EXHIBIT NO.34

1. The parking lot shall contain a maximum of 39 spaces.

2. Access to the lot shall be controlled by an electronic gate in the fence along the alley. The primary use of the parking lot shall be limited to the employees of and visitors to the office buildings located at 118-120-140 Q Street, N.E. with temporary provision of spaces made available on off hours to area residents.

3. The applicant shall construct a wrought iron fence along the Q Street frontage and the adjacent corner along 1st Street and shall fence in the remainder of the 1st Street frontage and the alley frontage with a chain link fence. There shall be no razor wire or barbed wire atop the fence.

4. The applicant shall landscape the 4 foot strips between the sidewalk and the curb adjacent to the parking lot on Q and 1st Streets, in accordance with the DDOT streetscape requirements and with the approval of DDOT.

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

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

7. All parts of the lot shall be kept free of refuse or debris and shall be paved. The landscaping in the public space shall be maintained in a healthy growing condition and in a neat and orderly appearance.

8. 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.

9. Lighting used to illuminate the parking lot and its accessory building shall be so arranged that all direct rays of such lighting are 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 appropriate in this case.

VOTE: **5-0-0** (Geoffrey H. Griffis, Carol J. Mitten, Anne M. Renshaw, David A. Zaidain and Curtis Etherly, Jr., to approve)

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 19 2002

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 TWO YEARS 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 14 IN TITLE 2 OF THE D.C. CODE. SEE D.C. CODE SECTION 2-1402.67 (2001). 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. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION

BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16899

As Director of the Office of Zoning, I hereby certify and attest that on AUG 19 2002 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:

Norman M. Glasgow, Jr., Esq.
Dennis R. Hughes, Esq.
Holland & Knight LLP
Suite 100
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

James D. Berry, Jr., Chairman
Advisory Neighborhood Commission 5C
680 Rhode Island Avenue, N.E.
Washington, D.C. 20013

Bertha L. Johnson, Commissioner 5C06
Advisory Neighborhood Commission 5C
680 Rhode Island Avenue, N.E.
Washington, D.C. 20013

Vincent B. Orange, City Councilmember
Ward Five
1350 Pennsylvania Avenue, N.W., Suite 108
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E., 4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning