received 6-18-98

EXHIBIT E

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16329 of Robert Holland, et al., pursuant to 11DCMR 3108.1, for a special exception under Section 214 to re-establish and continue the use as an accessory parking lot in an R-2/C-1 District at premises 3820-26 McKinley Street, N.W. (Square 1859, Lots 49, 50, 51 and part of 92).

HEARING DATE: May 6, 1998
DECISION DATE: May 6, 1998 (Bench Decision)

SUMMARY ORDER

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) 3G and to owners of property within 200 feet of the site.

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

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 214. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in 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 the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief 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 **FIVE YEARS**, beginning on the effective date of this order.

2. No trash dumpster shall be located on the portion of the lot zoned residential.

6/18 Mailed copy to Holland

BZA
Case No. 17046
Exhibit No. 6

Board of Zoning Adjustment
District of Columbia
CASE NO. 17046
EXHIBIT NO. 6

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 erected and maintained for the protection of all adjoining buildings.

5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over 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.

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

9. Representatives of the owners of the property shall establish and maintain a liaison with Advisory Neighborhood Commission 3G, to discuss problems that may arise in connection with the operation of the parking lot, to ensure that it continues to have no objectionable impact on the immediate area.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 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: **3-0** (Sheila Cross Reid, Betty King and Maurice Foushee to grant).

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

ATTESTED BY: Sheri M. Pruitt-Williams
SHERI M. PRUIT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: JUN - 8 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16329

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on JUN - 8 1998 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:

Leonard L. McCants, Esquire
8701 Georgia Avenue, Suite 801
Silver Spring, MD 20910

Anne Mohnkern Renshaw, Chairperson
Advisory Neighborhood Commission 3G
P.O. Box 6252, Northwest Station
Washington, D.C. 20015

Sheri M. Pruitt-Williams
SHERI M. PRUITT-WILLIAMS
Director

DATE: JUN - 8 1998