G

Board of Zoning Adjus
District of Columb


Parking Lot
Square 4365
Lots 805 & 806
2310 & 2320 31st St. NE Washington, DC
Rear of 3070 V St, NE Washington, DC
29
No Improvements
Lot 806
26 SPACES
GATE
ALLEY
36 SPACES
GATE
25 SPACES
GATE
Lot 805
472.89' D.C. temp.
RR

H

Appeal #4845 PUBLIC HEARING--Sept. 20, 1957

Mr. Schwab:

I move that the following Order be entered:

ORDERED:

That the appeal of the United Clay Products Company to establish a temporary automobile parking lot at the rear of 3070 Vee Street, N. E., parcel 164/102, square 4365, be granted for the following reasons and subject to the conditions hereinafter set forth:

(1) As the result of an inspection of the property by the Board, and from records and the evidence adduced at the hearing, the Board finds that the use of this property for the temporary parking of automobiles is reasonably necessary and convenient to the neighborhood, and due to its location adjoining onto second commercial property and well removed from any residential structures, will not interfere unreasonably with the most appropriate use of neighboring property under the zone plan.

(2) There was no objection to the granting of this appeal registered at the public hearing.

In order to further protect the residential area to the north, the Board makes the following conditions mandatory to the granting of this appeal:

(a) Permit shall issue for a period of two years, but shall be subjectto renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

(b) Appellant shall blacktop the lot.

(c) Access to this lot shall be through the valley from V Street only.

Mr. Scrivener: I second the motion. Motion carried with Mr. Coe and Mr. Nolen not voting.

EXHIBIT H

Mr. Schwab:

I move that the following Order be entered:

ORDERED:

That the appeals of the United Warehouse "B" Inc. and the United Clay Products Co. to continue the operation of a parking lot for a period of five years at the rear of 3070 Vee Street, N.E., lots 805 and 806, square 4365, be granted for the following reasons and subject to the condition hereinafter set forth:

(1) The Board incorporates its findings and opinion in appeal #4845 dated September 20, 1957 when this lot was originally approved.

(2) This lot has been properly paved and has been operated in a condition which has not created any adverse affects on adjoining residential property as evidenced by lack of opposition to this appeal.

This Order shall be subject to the following condition:

(a) Permit shall issue for a period of five years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

Mr. McIntosh: I second the motion. Motion unanimously carried.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 29, 1972

Application No. 11171 United Warehouse "B" Inc., appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried unanimously, the following Order of the Board was entered at the meeting of January 23, 1973.

EFFECTIVE DATE OF ORDER -- February 6, 1973

ORDERED:

That the application for permission to continue a parking lot for a period of five (5) years at rear of 3070 V Street, N.E., Lots 805, and 806, Square 4365, be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District which is defined by the Zoning Regulations as an area of one-family detached dwellings. This zone abuts a C-M-1 District.

2. Previous BZA application concerning the property herein, have GRANTED permission for the continuance of this parking lot for five (5) years and subsequent five year periods.

3. On July 24, 1972, the Department of Highways and Traffic submitted a letter to the file in which they offered no objection to the granting of the application herein. Further, the Department notes that the parking lot has created no traffic problems in the past.

4. The parking lot is primarily used by an adjoining tenant, namely, the Post Office Department. The lot is approximately 45,000 square feet and one-quarter of it is under the lease of the Warehouse to the Post Office Department.

5. No opposition was voiced at the public hearing against the granting of this application, nor were any letters in opposition submitted to the file for the Board's consideration.

OPINION:

We are of the opinion that the continuance of this parking lot will not create any dangerous or otherwise objectionable traffic conditions. The present character and future development of the neighborhood will not be adversely affected. The lot is reasonably necessary and convenient to other uses in the vicinity.

This Order shall be subject to the following conditions:

a. Permit shall issue for a period of five (5) years but shall be subject to renewal in the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.

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

c. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

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

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

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped.

g. 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.

OPINION:

h. 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.

i. Use of this lot shall be restricted to private automobiles. No commercial vehicles or trucks.

j. Landscaping plans must be approved by the Department of Highways and Traffic.

Permit shall not issue until all conditions of this Order are met and complied with and further, the Board reserves the right to direct revocation of permit upon proper showing that any terms or conditions of this Order have been violated.

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

ATTESTED:

By: George A. Grogan

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12219 of Richardson Realty, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under paragraph 3101.48 for modification of BZA Order No. 11171 by deleting condition "i" and permission to park vehicles belonging to the U. S. Postal Service, at rear of 3070 V Street, N.E., Lots 805 and 806, Square 4365.

HEARING DATE: October 20, 1976
DECISION DATE: October 20, 1976 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District and abuts a C-M-1 District.

2. Since 1957 the BZA has been continuously granting permission for the use of the subject property as parking lots for adjoining tenants.

3. By BZA Order No. 11171 effective February 6, 1973, the then owner of the subject premises was granted permission to continue the use of the premises as a parking lot for a period of five years.

4. Condition "i" of said Order stated that the use of the lot shall be restricted to private automobiles.

5. Applicant's tenant of the parking lot is now the U.S. Postal Service which has leased warehouse and the subject parking lot under a long term lease.

6. Said tenant uses the lot for its postal service vehicles not private automobiles.

7. Applicant seeks modification of previous BZA Order to allow him to provide parking facilities for his tenant's vehicles.

CONCLUSIONS OF LAW:

Based upon the record the Board finds that the subject parking lot is so located so as it is not likely to become objectionable to nearby or adjoining property because of noise, traffic or other objectionable conditions. The lot complies with previous BZA Orders and Article 74 of the Zoning Regulations and there will be no adverse affect upon the present character or future development of the

neighborhood. The Board further finds that the relief sought herein is in harmony with the general intent of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED subject to the permit expiring on February 6, 1978; Condition "i" of BZA Order No. 11171 is hereby deleted; permission is granted to park Postal Service vehicles and no commuter parking is permitted, at rear of 3070 V Street, N. E.

VOTE:

4-0 (Lilla Burt Cummings, Esq., Dr. Walter B. Lewis, William S. Harps and William F. McIntosh)

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

ATTESTED By: Arthur B Hatton
ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: December 9, 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12592, of Richardson Realty, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue use of a parking lot in the R-1-B District at the rear of the premises 3070 "V" Street, N.E., (Square 4355, Lots 805 and 806).

HEARING DATE: February 22, 1978
DECISION DATE: February 22, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the rear of premises 3070 V Street, N.E. It is in an R-1-B Zone which abuts a C-M-1 District.

2. The premises at 3070 V Street, N.E., is a warehouse. The subject lot is a private parking lot located directly behind the warehouse. Entrance and exit to the lot is from 31st Street, N.E.

3. The applicant has leased under a long term lease the warehouse and the subject lot to the U.S. Postal Service. The lot is used to park the vehicles of the U.S. Postal Service, not private automobiles.

4. By BZA Order No. 4845, effective on or about September 20, 1957, the Board granted permission to the then owner of the subject premises to establish the said lot as a parking lot for the use of surrounding warehouses for a period of five years. Since 1957, the Board has for subsequent five year periods, granted permission for the continued use of the subject lot.

5. By BZA Order No. 12219, dated December 9, 1976, the Board modified the condition of its previous Orders, namely that effective December 9, 1976, the lot was not restricted to the use of private automobiles but rather the lot was to be used to park the vehicles of the U.S. Postal Service, not private automobiles.

6. There was no opposition to the application. There were no complaints, on record, as to the upkeep of the parking lot.

7. By letter of January 9, 1978, the application was referred to the Department of Transportation for its review and report. No report was received.

8. Advisory Neighborhood Commission 5A, filed no recommendation on the application.

CONCLUSIONS OF LAW:

Based upon the record, including the present operation of the lot, the Board concludes that the subject parking lot is located so as it is not likely to become objectionable to nearby or adjoining property because of noise, traffic or other objectionable conditions. The lot complies with previous BZA Orders and Article 74 of the Zoning Regulations and there will be no adverse affect upon the present character or future development of the neighborhood. The Board further concludes that the relief sought herein is in harmony with the general intent of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

a. Permit shall issue for a period of FIVE years which shall be subject to renewal in the discretion of the Board upon the filing a new application in the manner prescribed by the Zoning Regulations.

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

c. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

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

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

f. 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.

g. 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 structures or otherwise permitted in the zoning district in which the parking lot is located.

h. 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.

i. The use of the subject lot shall be restricted to the parking of the vehicles of the U.S. Postal Service. No commuter parking is permitted.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to GRANT, Charles R. Norris not present, not voting).

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

ATTESTED BY: _____
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 MAR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14787, of SMC United Industrial Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 212 to continue to operate a parking lot for use by the United States Postal Service in an R-1-B District at the rear of 3070 V Street, N.E., (Square 4365, Lots 805 and 806).

HEARING DATE: April 27, 1988
DECISION DATE: April 27, 1988 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 5A, which is automatically a party to the application, did not file a written statement of issues and concerns.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5A and to owners of property within 200 feet of the site.

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 212. No person or entity appeared at the hearing 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, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is granted, subject to the following CONDITIONS:

1. Approval shall be for a period of five years.

2. The use of the subject lot shall be restricted to the parking of the vehicles of the U.S. Postal Service. No commuter parking is permitted.

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 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 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 not prohibited by law.

VOTE: 5-0 (Charles R. Norris, John G. Parsons, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:

EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JAN 24 [illegible]

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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

114787order/LJP39

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15425 of SMC-United Industrial Limited Partnership pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to allow general parking for a parking lot established by Board's Order No. 14787 for vehicles of the U.S. Postal Service in an R-1-B District at the rear of 3070 V Street, N.E., (Square 4365, Lot 805 and 806).

HEARING DATE: January 23, 1991
DECISION DATE: January 23, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 5A. ANC 5A, which is automatically a party to the application, did not submitt written issues and conerns relative to 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 the application or otherwise requested to participate as a party in opposition 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 the burden of proof, pursuant to 11 DCMR 3108, 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 said Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.

2. The use of the lot shall be restricted to parking of U.S. Postal Service vehicles on the northern portion; U.S. Postal Service employee parking on the central portion; and tractor trailor parking on the southern portion of the lot as shown on the plat marked as Exhibit No. 21 of the record.

3. The applicant shall install appropriate signage on the lot directing all vehicles exiting the lot to turn right on 31st Street heading south towards V Street only in order to alleviate any adverse traffic impacts on the surrounding residential neighborhood.

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

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

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

7. 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.

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. 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.

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 not prohibited by law.

VOTE: 3-0 (Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant; Tersh Boasberg and Charles R. Norris not present, not voting).

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

ATTESTED BY: _____
EDWARD L. CURRY

Executive Director

FINAL DATE OF ORDER: JAN 31 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15425Order/BHS

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Agreement
by and between
SMC-United Industrial Limited Partnership (Stanley Martin Commercial, Inc.),
Advisory Neighborhood Commission 5B, and
Single Member District 5B 09

THIS AGREEMENT is part of Advisory Neighborhood Commission 5B (ANC 5B) and Single Member District 5B 09 (SMD) and the communities indication of support to the Board of Zoning Adjustment regarding SMC's Application #17049.

The parties hereto agree that the approval of Application #17049 is contingent upon whether the following is adhered to:

1. Approval of the application shall be for a period of ten (10) years.

2. Lighting shall not be required for the facility.

3. The two (2) lots (numbers 28 and 29) located to the north of the facilities will remain as a vacant landscape buffer area between the residential and commercial land use.

4. The uses of the Lots 805 and 806 shall be restricted to the following:

   A. All tractor trailers, contractor office trailers and other large commercial vehicles must be restricted to the southern portion of the lot. This includes no more than ten (10) tractor trailer vehicles parked on the site at any given time.

   B. Employee passenger vehicles for the tenant of the adjacent building to the south must be restricted to the central portion of the facility.

   C. No commuter parking or public parking use, other than employees of the neighborhood properties, will be permitted at this facility at any time.

   D. No vehicle maintenance, storage of equipment or dumping of trash or other refuse and debris will be permitted on the site.

   E. Twenty-four (24) hour controlled parking by chain and padlock access or attendant access must be provided.

EXHIBIT I

F. The lots should be periodically monitored or patrolled when unattended.

G. Any lots not used for parking must be chained and locked.

This Agreement is entered into on Sept 8, 2003.

Fred Farshey, President
Stanley Martin Commercial, Inc.,
for SMC-United Industrial
Limited Partnership

Joan Black
Chairperson ANC 5B, and
Commissioner, ANC 5B 09

Kim Simpson, President
Gateway Community Association

Earl Jones, President
South Central Neighborhood
Association

WAS1 #1210852 v1