GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17049 of SMC-United Industrial LP, pursuant to 11 DCMR § 3104.1, for a special exception to allow the continuation of a parking lot under Section 213 (the parking lot was last approved pursuant to BZA Order No. 16164), in the R-1-B District at premises 2310 and 2320 31st Street, N.E. (Rear 3070 V Street, N.E.) (Square 4365, Lots 805 & 806).

HEARING DATE: September 23, 2003
DECISION DATE: September 23, 2003 (Bench Decision)

SUMMARY ORDER

SELF CERTIFICATION

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

The site of the application is located within the jurisdiction of ANC 5B. ANC 5B, which is automatically a party to the application, filed a written statement, dated September 10, 2003, of issues and concerns 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 which are necessary to establish the case for a special exception pursuant to 11 DCMR 213. 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.

At the request of the Board, the Applicant has agreed to make improvements to the landscaping in the public space along 31st Street adjacent to the parking lot.

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, 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

BZA
Case No. 17049
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO. 17049
EXHIBIT NO. 30

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 (10)** years.

2. The layout of the site shall be in accordance with the revised site plan marked as Exhibit No. 10 of the record.

3. Use of the lot shall be restricted as follows:

    a. All tractor trailers, contractor office trailers and other large commercial vehicles shall be restricted to the southern portion of the lot. No more than 10 tractor trailer vehicles shall be parked on the site at any given time.

    b. Service vehicles for the tenant of the adjacent building shall be restricted to the northern portion of the facility.

    c. Employee passenger vehicles for the tenant of the adjacent building shall be restricted to the central portion of the facility.

    d. No commuter, fringe or public parking use, except by employees of neighboring properties, shall be permitted at this facility at any time.

    e. No vehicle maintenance, storage of equipment or dumping of trash or other refuse and debris shall be permitted on site.

    f. Twenty-four hour controlled parking by chain and padlock or attendant access shall be provided.

    g. The lots shall be periodically monitored or patrolled when unattended.

    h. Any lots not used for parking shall be chained and locked.

4. Lighting shall not be required at the site in accordance with the agreement between the applicant and the community.

5. If Lots 28 and 29, located to the north of the facility and currently owned by the Applicant, are developed in the future, the Applicant shall notify the Board, and a further proceeding will be initiated in order to consider whether and to what extent

an additional landscaped buffering between the residential and commercial land use is necessary.

6. The applicant shall maintain signage on the lot directing all vehicles exiting the lot to turn right on 31st Street, heading south toward V Street.

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

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

9. All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped. Landscaping and lawn areas shall be maintained in a healthy growing condition and in a neat and orderly appearance.

10. 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.

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: **5-0-0** (Geoffrey H. Griffis, David A. Zaidain, Curtis L. Etherly, Jr., Ruthanne G. Miller and Peter G. May 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 Kress
JERRILY R. KRESS, FAIA

FINAL DATE OF ORDER: OCT - 7 2003

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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 IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO

COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 17049

As Director of the Office of Zoning, I hereby certify and attest that on OCT - 7 2003 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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Single Member District Commissioner 5B09
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rsn

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning