GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: October 5, 2004

SUBJECT: BZA Case No. 17200
Potomac Foods Special Exception

APPLICATION
This application filed by Potomac Foods requests, pursuant to 11 DCMR 3104, a special exception under Section 214 of the Zoning Regulations to continue using the premises located at 4422 Connecticut Avenue, N.W. (Square 1971, Lot 822) as a 16 space accessory parking lot. The subject property is in the R-1-B District.

RECOMMENDATION IN BRIEF
The Office of Planning recommends **approval** of the special exception. OP does recommends that the 5 conditions imposed by the Board (Order No. 16541) when the previous special exception application was granted in 2000, be modified and amended as follows.

1. **The application shall be approved for two years.**
2. **The applicant shall keep the grease storage container outside the rear of store.**
3. **The audio volume of the drive-through speakers shall not exceed 60 decibels.**
4. **Trash and debris removal from the parking lot area shall be performed daily, as frequently as necessary, and at a minimum, at least four times daily.**
5. **Trash removal from the dumpster shall be performed daily.**
6. **All misplaced or non-existent wheel stops shall be replaced.**
7. **The guardrail at the south end of the lot shall to be repainted.**
8. **Directional arrows on the surface of the parking lot, at both the entrance and exist shall be repainted.**
9. **The applicant shall continue a liaison with ANC 3F to ensure that any community complaints regarding the parking lot can be resolved expeditiously.**

BZA
Case No. 17200
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17200
EXHIBIT NO. 26

SITE AND AREA DESCRIPTION

The subject property is an accessory parking lot in the Tenleytown-American University neighborhood in Ward 3. The parking lot is in the rear of a Burger King restaurant, which fronts on the west side of the 4400 block of Connecticut Avenue. Albemarle Street bounds the site to the north, Yuma Street to the south, Connecticut Avenue to the east and 35th Street to the west. The subject property is in the R-1-B District. The restaurant, which the subject parking lot is accessory to, is to the east in the C-3-A District. The parking lot is separated from the restaurant by a 20-foot north south public alley.

The 4400 block of Connecticut Avenue (west side) is commercial in character, anchored on the north end by the mid-rise Hastings Apartments at the corner of Connecticut Avenue & Albemarle Street. A Days Inn Motel, which is at the corner of Connecticut Avenue & Yuma Street, anchors the south end of the block. Other uses on the block include W C & A N Miller Realtors, a car wash and the Zips Dry Cleaner. In addition to the subject accessory parking lot, there are three other parking facilities in the rear of the subject block. The Days Inn has a multi-level parking garage and there is an 18-space surface parking lot in the rear of the dry cleaner. There is also a small surface parking lot behind the apartment building at the north end of the block.

HISTORY

The subject property has been used as an accessory parking lot since 1982. It was approved by the BZA as an accessory parking lot in 1994 for a five-year term. In 2000, the Board approved the use for a period of four years. (See Attachment #1, Order No. 16000 & Order No. 16541). The most recent approval expired in April of 2004 and the applicant is requesting a new approval.

PROPOSAL

The applicant is seeking approval to continue using the subject property as a 16-space accessory parking lot. Use of the lot will be for customers of the Burger King restaurant that is directly across the alley east of the parking lot. Customers are allowed to park on the lot for up to 30 minutes.

ZONING ANALYSIS

The subject accessory parking lot is in the R-1-B District. Accessory parking lots are permitted in the R-1-B District by special exception.

214 PARKING LOTS (R-1)

214.1 Accessory passenger automobile parking spaces elsewhere than on the same lot or part of the lot on which any principal R-1 use is permitted, except for a one-family dwelling, shall be permitted as a special exception in the R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of Section 214.

214.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finish grade.

The subject property is an open area improved with a surface parking lot, which is used by customers of the adjacent Burger King Restaurant. None of the accessory parking spaces extend above the level of the finish grade.

214.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory.

All of the accessory parking spaces on the subject parking lot are within two hundred feet (200 ft.) of the Burger King restaurant to which the lot is accessory.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

There is a 20-foot north-south alley separating the parking lot from the restaurant.

214.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except the Board may in an appropriate case under § 2303.3 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.

214.6 It shall be deemed economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

- **(a) Strip zoning or shallow zoning depth;**
- **(b) Restricted size of lot cause by adverse adjoining ownership or substantial improvements adjoining or on the lot;**
- **(c) Unusual topography grades, shape, size, or dimensions of the lot;**
- **(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or**
- **(e) Traffic hazards caused by unusual street grades or other conditions.**

There is a Burger King restaurant on the principal lot which fronts on the west side of the 4400 block of Connecticut Avenue. The restaurant consumes a majority of the principal lot with the exception of drive through lanes from Connecticut Avenue. (See Attachment # 3, Site Map)

Although there is a small parking area of three spaces at the rear of the principal lot, that space is too small to accommodate the 16 parking spaces on the accessory parking lot. There are also improvements on the properties to both sides of the principal building that eliminate any opportunity to expand the principal lot.

214.7 Accessory parking spaces shall be located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

The subject accessory parking lot is at the bottom of a slope from the rear of residential properties on the east side of adjacent 35th Street. There is also a combination of wooden fences, brick walls and trees along the residential property boundaries, which separates the parking lot from nearby dwellings.

2303 PARKING LOTS

2303.1 A parking lot in any district shall conform to the following provisions:

(a) All areas devoted to driveway, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick material, or a combination of these materials or other materials approved by the D.C. Department of Transportation as structurally equivalent or better, that from an all-weather impervious surface, and that are a minimum of four inches (4 in.) in thickness.

The subject parking lot is built in accordance with Department of Transportation standards, and is paved with bituminous materials, which form an all-weather impervious surface that is a minimum of four inches in thickness.

(b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.

Upon a site visit on July 26, OP observed that some of the parking blocks were displaced and vehicles projected over the lot line.



Vehicles on parking lot projecting over sidewalk

(c) 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 premise unless the use or structure is otherwise permitted in the district in which the parking lot is located.

There is not an attendant's shelter on the lot. However, OP observe doing the site visits, vehicles from the car wash, which is on the north side of the subject parking lot, used the northern-end of the parking lot to hand dry or detail car. Traffic from the car wash blocked the entrance to the subject lot. According to the Burger King Store Manager, this issue has been a long-term point of contention between the two businesses.

(d) No vehicular entrance or exist shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line extended.

The vehicular entrance and exit for the subject parking lot is not within forty feet of a street intersection. Access to and from the parking lot is via a public alley system, which runs between Albemarle Street to the north, and Yuma Street to the south.

Neither of these intersections is within 40 feet of the subject parking lot. OP recommended to the applicant that directional arrows on the surface of the parking lot at both the entrance and exist are faded and need repainting.

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



Surface Illumination Lighting, West side of lot.

There is a set of lights near the western boundary of the parking lot, which illuminate the surface of the lot. The lighting is designed so that its rays do not affect the adjacent residential dwelling west of the lot, on 35th Street. There are also lights on utility poles along the east sides of the public alleys. The light rays are focused down towards the alley, and also illuminate the parking lot, without adverse impact on nearby residential dwellings.

(f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a health growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.



North-end, condition of landscaped area

OP made the following observations during the July 26, 2004 site visit: 1) Landscaping did cover more than 5% of the total parking area, but the condition, especially at the northern end of the western perimeter was less than expectable. 2) The parking lot reflected a lack of regular maintenance. There was an accumulation of trash and debris on the western perimeter of the lot and the area lacked a grass cover; 3) The trash dumpster was over flowing and 4) there were grease stains on the sidewalk in the area of the dumpster; 5) The guardrail at the south end of the lot needs to be



Guardrail at southern end of subject parking lot

repainted; 6) Several of the parking blocks were misplaced or non-existent; and 7) Directional arrows on the surface of the parking lot, at both the entrance and exist needs to be repainted. These concerns were pointed-out to the manager of the Burger King Restaurant, and later, with the Regional Manager, who committed to making the necessary corrections.

2303.2 In addition to the requirements of §2303.1, a parking lot located in an R-1, R-2, R-3, R-4 or R-5-A District, and a parking lot located in any other district where such parking lot is contiguous to an R-1, R-2, R-3, R-4 or R-5-A District, shall be screened from all contiguous residential property located in the R-1, R-2, R-3, R-4 or R-5-A District by a solid brick wall or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges or evergreen trees that are thickly planted and maintained and at least forty-two inches (42 in.) in height when planted.

(a) The parking lot shall be screened from all contiguous residential property located in the R-1 R-2 or R-3 District by a solid masonry wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high.

There is a brick wall at least 42 inches in height and mature trees along the western property line, which serve to screen the parking lot from the rear of residential structures on 35th Street, and the subject parking lot.

(b) All parts of the lot not devoted to parking area, driveway, access lane, attendant's shelter, or required screening walls shall be paved or landscaped. Landscaping shall be maintained in a health growing condition, and in a neat and orderly appearance.

All of the parking lot areas not used for parking spaces, access lanes or driveways are landscaped. However, the condition of the landscaped areas was inconsistent.

2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.

The prior Order (No. 16541) directed that dumpster used for kitchen grease be removed from the parking lot and replaced with a system that accumulates the grease inside the restaurant until it is disposed of off-site. However, storage of used grease inside a restaurant would be hazardous, create health issues and could be impractical when pick-up for off-site disposal occurs. In reality, kitchen grease is stored in drums and kept outside in the rear of the restaurant, until pick up for off-site disposal.

OP recommends that the applicant be allowed to continue collecting and storing kitchen grease in drums placed outside the rear of the restaurant. OP further recommends that the drums be kept closed at all times, and the area is free of litter/debris or excess grease.

The Potomac Food Company shall reduce the audio volume of the drive-through speakers at the back of the restaurant to a level that does not disturb residential neighbors and in no event should it exceed 60 decibels. According to ANC3F, the volume of the speakers is still too loud, especially after 10 P.M. The ANC recommends the volume be turned down even further.
OP recommends the continuation of this condition.

OP conducted a follow-up inspection of the subject parking lot on September 2, 2004 at approximately 12:30 p.m. There was still some accumulation of litter and debris on the lot, and landscaping at the northern-end of the western perimeter was unchanged. The guardrail at the south end of the lot was still in need of painting, as were the directional arrows at the entrance and exit.



Lack of landscaping at north end of subject parking lot.

OP recommends that the Board require correction of the above referenced issues.

During the September 2, 2004 field inspection, OP staff made the following further observations. There is a car wash adjacent to the Burger King Restaurant on the north side. Cars being hand dried or detailed after washing blocked the entrance to the subject parking lot and took up much of the alley space behind the Burger King, thereby seriously impeding traffic flow along the alley. OP made this same observation during the July 26 visit and pointed it out to the store manager during the walk-through. There seems to exist intense contention between the two property owners, regarding the use of the parking lot for car wash purposes. This issue was extensively discussed by the Board in 2000, as is evident in the transcript of that hearing.



Cars being wiped off at entrance to parking lot, and in the first three parking spaces on the west side of the lot.

OP has referred the use of the alley by the car wash for commercial purposes to the D.C Public Space Office. A set of pictures depicting the violation was attached. (See attached photographs-Public space violations) Public Space inspectors will closely monitor the alley for violations to the use of public space.

OP requested that the District Department of Transportation make recommendation regarding resolution to the issue of encroachment by the car wash on to the subject Burger King accessory parking lot.

DDOT recommended that the applicant eliminate one or two parking spaces located closest to the car wash entrance, shift the raised curb south where theses spaces where located, and align the parking lot entrance with the drive aisle entrance off of Connecticut Avenue as this lane is not used for drive-through service.

213.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.

The present character and future development of the nearby neighborhood is not likely to be affected adversely by the use of the subject lot for accessory parking for 16 vehicles. There is adequate egress and ingress to the subject parking lot through a 20-foot north-south alley system that runs between Albemarle and Yuma Streets. However, traffic flow along the alley is affected by vehicles from the adjacent car wash blocking the alley and entrance to the subject parking lot while being wiped off or detailed.

213.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.

The subject accessory parking lot is necessary and convenient for customers of the adjacent Burger King restaurant. The availability of 16 parking spaces on the subject lot, which is directly across the alley from the restaurant, reduces competition for parking spaces on public streets in the adjoining residential neighborhoods and eliminates the need for customers of Burger King to park on neighborhood streets.

213.7 A majority of parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.

The subject parking lot serves short-term parking needs of retail customers of the adjacent Burger King restaurant. Signage on the lot permits customers of the adjacent Burger King restaurant to park on the lot for 30 minutes.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?

Yes. Parking lots are permitted in the R-1-B District, if approved by the Board of Zoning Adjustment. The Board granted a special exception for a 16-space accessory parking lot (Order No. 16000) in 1994. Order No. 16541 renewed Board approval in 2000. The subject parking lot is a necessary function, because there is a critical need for private parking spaces on the upper Connecticut Avenue commercial corridor.



Vehicles from car wash blocking alley

The availability of the subject private parking lot will potentially reduce by 16, (or 14 if DDOT's recommendation is approved) the number of vehicles that would compete for parking spaces on neighborhood streets. However, as has been referenced above, there is evidence that the parking lot has not been operated in a manner consistent with some of the conditions included in the previous Board Order, and that the adjoining car wash use impedes full use of the parking lot by the applicant.

Will the special exception tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

No. The subject property has been used for parking purposes since 1982. The parking lot is fenced from adjoining residential properties to the west, on 35th Street, and it is compatible with other parking lot uses on the subject block, adjacent to the south. Upon an inspection of the subject accessory parking lot in July, OP did observe that the lot was not well maintained. This issue is of some concern to neighboring property owners.

COMMUNITY COMMENTS

ANC 3F, at a public meeting held on September 20, 2004 voted to support the application of Burger King restaurant for an accessory parking, with conditions.

OP RECOMMENDATIONS

The most recent approval of the subject accessory parking lot was in 2000, for a period of four years. Upon two recent inspections of the parking lot, (July 26 & September 23, 2004) OP concluded that maintenance of lot was less than desirable, and landscaping was inconsistent. These are clear violations of the conditions attached by the Board to the previous order. The applicant's offers to correct the violations pointed out by OP represent a "sprucing-up action" in preparation of a hearing before the Board. Compliance to the conditions in the prior Order was to be executed regularly during the entire approval period. Therefore, OP recommends that the application be approved for two years.

After reviewing the application submitted by Potomac Foods requesting a special exception to permit the continuation of an accessory parking lot in the R-1-B District the Office of Planning recommends that the Board **approve** the application for a period of 2 years.

If the Board approves the special exception request, OP recommends the following conditions:

1. **The application shall be approved 2years.**
2. **The applicant shall keep the grease storage container outside the store.**
3. **The audio volume of the drive-through speakers shall not exceed 60 decibels.**
4. **Trash and debris removal from the parking lot area shall be performed daily, as frequently as necessary, and at a minimum, at least four times daily.**
5. **Trash removal from the dumpster shall be performed daily.**

6. **All misplaced or non-existent wheel stops shall be replaced.**
7. **The guardrail at the south end of the lot shall to be repainted.**
8. **Directional arrows on the surface of the parking lot, at both the entrance and exist shall be repainted.**
9. **The applicant shall continue a liaison with ANC 3F to ensure that any community complaints regarding the parking lot can be resolved expeditiously.**

Attachment #1 BZA Order No. 16000
Attachment #2 BZA Order No. 16541
Attachment #3 Site Map
Attachment #4 Pictures of Public Space violations

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16541 of Potomac Foods Company II, Inc., pursuant to 11 DCMR 3104.1, for a special exception under Section 214 to continue the use of an existing accessory parking lot in an R-1-B District at premises 4422 Connecticut Avenue, N.W. (Square 1971, Lot 822).

HEARING DATE: March 1, 2000
DECISION DATE: March 1, 2000 (Bench Decision)

SUMMARY ORDER

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

The site of this application is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to this application, submitted a written statement 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 214. 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, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, 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 this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

(a) This Order has been approved for four years;

(b) Potomac Foods Company II shall remove the dumpster used for kitchen grease and replace it with a system that accumulates the kitchen grease inside the restaurant building until it is disposed of off-site;

(c) Potomac Foods Company II shall reduce the audio volume of the drive-through speakers at the back of the restaurant to a level that does not disturb residential neighbors and in no event should it exceed 60 decibels;

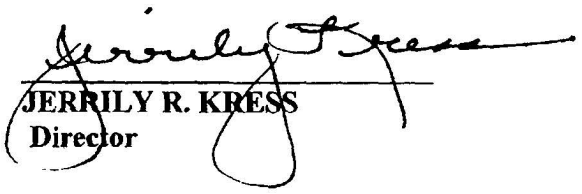
(d) Trash collection shall be carried out up to four times per day as the need is observed.

(e) There shall be ongoing communication between the Advisory Neighbor Commission and the Applicant.

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 (Rodney Moulden, Robert Sockwell, Anne Renshaw, Anthony Hood and Sheila Cross Reid to approve).

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

ATTESTED BY: 

JERRILY R. KRESS
Director

Final Date of Order: MAR 21 2000

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 § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

So/16541/3-6-00/poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO.: 16541

As Director of the Office of Zoning, I certify and attest that on MAR 21 2000 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 this matter, and who is listed below:

Allison C. Prince, Esquire
Wilkes , Artis, Hedrick & Lane
1666 K Street, NW, Suite 1100
Washington, D.C. 20006

David J. Bardin, Chairperson
Advisory Neighborhood Commission 3F
P.O. Box 32920
Washington, D.C. 20016

Attested by: _____
JERRILY R. KRESS, FAIA`
Director

Attest/16541/3-6-00/poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16000 of Potomac Foods Co., II, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish accessory parking in an R-1-B District at premises 4422 Connecticut Avenue, N.W. (Square 1971, Lot 822).

HEARING DATE: November 9, 1994
DECISION DATE: November 9, 1994 (Bench Decision)

SUMMARY ORDER

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

The site of this application is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to this application, submitted a written statement of issues and concerns expressing conditional support for 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 this application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

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

2. The parking surface, the vegetation and fence along the western boundary of the site shall be maintained in good condition at all times.

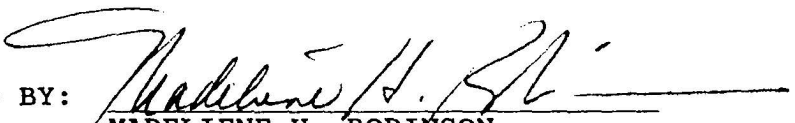
3. The applicant shall establish and maintain a liaison with Advisory Neighborhood Commission 3F to ensure the resolution of any objectionable conditions that may arise from time to time in the future due to the operation of the parking lot.

4. The loudspeaker used by the restaurant at 4422 Connecticut Avenue, N.W. shall be maintained at a volume level that does not exceed 70 decibels.

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 (Maybelle Taylor Bennett, Susan Morgan Hinton and Craig Ellis to grant; Angel F. Clarens and Laura M. Richards not present, not voting, not having heard the case).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: NOV 25 1994

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16000

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 25 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison C. Prince, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006

Douglas Mitchell, Chairperson
Advisory Neighborhood Commission 3F
4401 Connecticut Avenue, N.W., #401
Washington, D.C. 20008

Madeliene H. Robinson

MADELIENE H. ROBINSON
Director

DATE: NOV 25 1994

16000Att/bhs





Aerial Photo
BZA Application #17200

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Feet
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★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ July 27, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery ©2003 Pictometry International



1. Vehicle leaving one of three parking spaces in the rear of Burger King, being impeded from turning north on alley by cars being hand dried by employees of adjacent carwash



2. Temporary workstation, used by employees of adjacent car wash to hand dry vehicles in alley behind Burger King.



3. Vehicles attempting to proceeded west along Burger King drive through lane, being impeded from entering north, south alley by vehicles being hand dried by employees of adjacent car wash.



4. Vehicles from adjacent car wash waiting for car wash patrons to move cars after hand drying.



5. South view, vehicles from adjacent car wash waiting for car wash patrons to move cars after hand drying.



*6. **NO CAPTION NECESSARY.***