ShawPittman LLP
A Limited Liability Partnership Including Professional Corporations

September 24, 2004

By Mail

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Application No. 17202 – Application of First Washington Equities, LLC – 1017 4th Street, NW
Draft Summary Order and Plans Presented at BZA Public Hearing

Dear Chairman Griffis and Members of the Board:

At the conclusion of the September 14, 2004 public hearing in the above-mentioned case, the Board requested that First Washington Equities, LLC (the "Applicant") submit a proposed draft Summary Order and submit a copy of the plans that were presented at the public hearing. Attached to this letter is a draft Summary Order and a copy of the plans that were presented at the public hearing.

Respectfully,

Paul A. Tummonds, Jr.

Enclosures

cc: Andrew Loewinger

Document #: 1433337 v.1

BZA
Case No. 17202
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO. 17202
EXHIBIT NO. 30

2300 N Street, NW Washington, DC 20037-1128 | 202.663.8000 Fax: 202.663.8007 | www.shawpittman.com
Washington, DC
Northern Virginia
New York
Los Angeles
London

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17202 of First Washington Equities, LLC, pursuant to 11 DCMR §3103.2 for a variance to establish an all-day commuter parking lot for eight (8) parking spaces under subsection 1702.7(c) in the DD/C-2-C District at premises 1017 4th Street, N.W. (Square 526, Lot 808).

HEARING DATE: September 14, 2004
DECISION DATE: September 14, 2004

SUMMARY ORDER

Self-Certification

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR §3113.2.

The Application

This application was submitted by First Washington Equities, LLC. The property that is the subject of this application (the "Property") is located in the middle of the block that is bound by 4th Street, L Street, 3rd Street and K Street, N.W. The Property consists of only 2,552 square feet, is not paved or improved, and does not have alley access. The general area surrounding the Property consists of large vacant and underutilized properties and a few developed properties. A significant amount of loitering and prostitution occurs in the area surrounding the Property. The application requests variance relief[1] to establish an all-day commuter parking lot on the Property with eight (8) parking spaces in order to alleviate some of the parking constraints that currently exist in the surrounding area, and to provide more activity on the Property to prevent improper

[1] Parking lots that provide short-term parking spaces that are leased to merchants or a park-and-shop organization, and a parking facility for residents are permitted as a matter-of-right in the DD/C-2-C District pursuant to 11 DCMR §1702.7(a) and (b).

activities from occurring on the Property and in the surrounding area. The parking lot will be managed by a parking lot operator.

Notice of Public Hearing

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") 6C, the Office of Planning ("OP"), and the owners of property within 200 feet of the site. The Applicant posted placards on the Property regarding the application and public hearing and submitted an affidavit to the Board to this effect.

Requests for Party Status and Persons in Support/Opposition

There were no requests for party status. There were no submissions to the record in support or opposition to this application.

ANC 6C

The site of this application is located within the jurisdiction of ANC 6C. ANC 6C, which is automatically a party to this case, filed a resolution in support of this application. The Board granted a waiver of 11 DCMR §3115.1 to allow the ANC resolution to be submitted into the record of this case less than seven (7) days prior to the public hearing.

Government Reports

The application was referred to OP and the Department of Transportation ("DDOT") for review and report. OP submitted a report recommending denial of the application. DDOT did not submit a report in this application.

DECISION

As directed by 11 DCMR §3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §3103.2. The Board determined that the requested variance relief is a hybrid use/area variance case.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §3103.2 and 1702.7(c), that there exists an exceptional or extraordinary situation or condition related to the Property that creates a practical difficulty and an undue hardship for the owner in complying with the Zoning Regulations, and that the 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 Map.

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. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE (5) YEARS**.
2. The parking lot shall include eight (8) parking spaces, a rain garden, a parking lot operator kiosk, appropriate lighting, and the perimeter of the parking lot shall be enclosed with a chain link fence.

VOTE: **4-1-0 (Curtis L. Etherley, Jr., Ruthanne G. Miller, Geoffrey H. Griffis, John Parsons to approve, and John A. Mann, II to deny)**

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this order.

Final date of Order: _____

Document #: 1433157 v.1

EXHIBIT 30

CASE NO. 17202

IS AN OVERSIZED EXHIBIT

PLEASE SEE AT OFFICE