

## AGENDA

ANC 6A Economic Development & Zoning Committee  
Tuesday, January 31, 2006, 7-9 PM  
Capitol Hill Towers (900 G St, NE)  
Community Room

1. Community comment
2. HPA 06-077: 311 9<sup>th</sup> Street, NE, Rear addition in historic district
3. BZA 17435: 702-706 17<sup>th</sup> Street, NE, Application of Gamblin & Sons Hauling, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to allow a commercial trash and construction company having an outdoor yard for truck parking under subsection 330.5, in the R-4 District
4. Public Space Application: 701 10<sup>th</sup> Street NE for a driveway
5. (Tentative) Presentation on Capitol Hill Oasis development: 12<sup>th</sup> & K & Florida Ave, NE. See <http://www.capitolhilloasis.com/>
6. Community comment (time permitting)

Everyone is welcome! Call Commissioner Rice with questions at 544-3734.

\*\*\*\*\*

Visit our website at <http://www.anc6a.org/>

Sign up for automated meeting reminders and community listserv at <http://groups.yahoo.com/group/anc-6a/>

## AGENDA ITEM 2

Revised drawings to be provided at meeting.

## AGENDA ITEM 3



From September 28, 2004 ED&Z Report:

### **Public Space Application: 702 17th Street, NE**

The committee heard from Mr. Chris Gamblin regarding a public space permit application for a fence and gate at 702 17th Street, NE. Mr. Gamblin is leasing this property to park 3 trucks that he uses for hauling construction/demolition debris and other clean-ups. According to Mr. Gamblin, he has also placed a tool shed and a dumpster on the property.

Mr. Gamblin was contacted by the Public Space Permit Office in DDOT regarding a fence and gate he installed around the property. The gate may partially occupy public space in the alley. As of the date of the committee meeting, ANC 6A had not received any application materials for review from DDOT. Mr. Gamblin described his efforts to improve the property by cleaning out trash and debris from the lot, covering it with gravel, and installing a chain link fence. (One resident from Gales Street said that the property looks much better than it did before Mr. Gamblin started using it.) Mr. Gamblin said DDOT is asking for a certificate of occupancy as part of the permit application, which he does not have.

The committee discussed the requirements for parking lots in R-4 districts, which are permitted with BZA approval per 11 DCMR 213. This property is owned by Donald Madden, who unsuccessfully applied for a special exception from BZA for a parking lot in 1992, then obtained a special exception for a parking lot in 1997. This special exception (BZA 16230) had a number of conditions that were not followed, and had an approval period of five years which has expired.

**Committee Recommendation:** That the ANC follow-up with DDOT and DCRA regarding the status of this property to ensure that a valid certificate of occupancy and public space permit are obtained.

From October 14, 2004 ANC Minutes:

**Public Space Permit: 702 17<sup>th</sup> Street:** Chris Gamblin needs to apply for a public space permit for a lot he leases at 702 17<sup>th</sup> Street NE to park three trucks he using for hauling debris, in order to install a fence and a gate. Mr. Gamblin has also placed a tool shed and a dumpster on the property. The gate may partially occupy public space in the alley. The ANC has not received any application materials to review. Mr. Gamblin says that DDOT requires a Certificate of Occupancy, which he does not have, as part of the permit process. Mr. Gamblin has improved the property, including cleaning out trash and debris from the lot, covering it with gravel and installing the fence. The situation is confused because the owner had received a special exception from BZA for a parking lot, but it has expired. The special exception had several conditions, which were not followed, and had a vie-year approval period, which has expired. The Committee recommends that the ANC follow up with DCRA regarding the status of the lot, so that a valid Certificate of Occupancy and public space permit can be obtained.

Commissioner Mack received information from DCRA, and the alley is zoned for another thing, but Mr. Gamblin's property is residential, but it's so close to commercial, and DDOT has to look at the lot and re-evaluate it. He is not taking up public space on the sidewalk: his gates swing inward to the property. The property was an eyesore, but he has cleaned it up. He put in a garden, which made it even nicer. She said that she hopes it can be straightened out with the owners. Commissioner Ward asked what public space is being used. Commissioner Rice said that it's confusing because while the fence is right up against the sidewalk, according to the map, there is a strip of public land between the sidewalk and the property line. The next property over also has a fence up against the sidewalk. The public space permit is for the use of the strip of land. The issue is that a

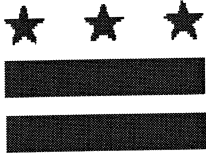
valid certificate of occupancy is necessary because the lot is in a residential area, and requires a special exception, which it had, but only for a limited period. He stated that he didn't want it to appear that the ANC was holding things up, and that is why he suggested that the ANC follow up with DCRA.

Ms. Jackson who lives on Gale Street said that the street was horrible, but now it looks much better. He cleaned it up, and you can see the light in the alleyway, and it's much better than it was. Several people, including Brenda Artis, said how much better it looks, on the outside of the lot as well as on the inside.

Commissioner Fengler, said, in summary, that it's a two-step process: you need a certificate of Occupancy before you issue a public space permit. If you're in a residential area you need a special exception, and for that you need a hearing, and after it has been approved, then you apply for the public space permit and come to the ANC for support of the application. DDOT is ignoring the fact that you need the CO. What Commissioner Rice is saying is that a letter should go to all the parties involved reminding them of the process, and asking them to crystallize the status of the process.

Commissioner Rice expressed his frustration with the City, saying the Matt Marcou at DDOT has put the issue into the ANC's lap, making it look as though the ANC is holding things up. Everyone agrees that the lot is looking better. He has sent e-mails to Matt Marcou stating the ANC's view of the process, and has received no response. Businesses shouldn't have difficulty doing business, but things should be done in the proper order, and that's why he's asking for ANC action.

**Motion:** Commissioner Rice moved that a letter be sent to DDOT and DCRA outlining the ANC's understanding of what the process should be and asking how to proceed so that everything should be done in order. Commissioner Musante asked that a friendly amendment be added to say that if there is agreement that the ANC's understanding of the process is correct, that they assist Mr. Gamblin getting moving forward with getting his CO. The amendment was accepted, and the motion was seconded by Commissioner Musante. The motion was approved without objection.



District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



October 18, 2004

Matthew Marcou  
Surface Permitting Manager  
District Department of Transportation  
Suite 2300  
941 North Capitol Street, NE  
Washington, DC 20002

Re: Public Space Permit for 702 17<sup>th</sup> Street, NE (Sq. 4510, Lot 0826)

Mr. Marcou:

On October 14, 2004, Advisory Neighborhood Commission 6A discussed the application of Mr. Chris Gamblin for a Public Space Permit for 702 17<sup>th</sup> Street, NE. The ANC was not able to take a position on the Public Space Permit without further information on the status of the Certificate of Occupancy for the property.

Our understanding is that a Public Space Permit application requires a copy of a valid Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs. In this case, we believe a special exception from the Board of Zoning Adjustment is required to allow a parking lot in the R-4 zone district. (We are aware that a special exception for a parking lot with a 5-year approval period was issued to the property owner per BZA Order 16230 on January 15, 1998. However, the approval period has now expired and other conditions of the special exception were never met during the time it was in effect.)

It appears that this property would need a new special exception from BZA to obtain a new Certificate of Occupancy from DCRA before an application for a Public Space Permit from DDOT would be timely. Please confirm this interpretation.

We would very much appreciate if you could coordinate with BZA and DCRA regarding the status of the certificate of occupancy for this property. At this point the applicant has been waiting a significant period of time for clarification on what is required from him to move the process to completion. Your assistance in expediting this process would be appreciated.

Respectfully yours,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A  
202-423-8868  
[fengler6a02@yahoo.com](mailto:fengler6a02@yahoo.com)

cc: Jerrily Kress, Office of Zoning  
Denzil Noble, Zoning Administrator

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15549 of D.R. Madden, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish a parking lot in an R-4 District at premises 704 17th Street, N.E. (Square 4510, Lot 826).

HEARING DATE: January 15, 1992  
DECISION DATE: February 5 and March 4, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property is located on the west side of 17th Street between Gales Street and an east-west public alley approximate one-half block south of Benning Road. The property is known as premises 704 17th Street, N.E., and it is zoned R-4.

2. The property is topographically level and generally rectangular in shape with a frontage of 131 feet along 17th Street and a frontage of 37.4 feet along the public alley.

3. There is an existing curb cut accessing the lot from the public alley. The lot is currently unimproved. The applicant testified that the property was previously used for parking purposes.

4. The square in which the subject lot is located is split-zoned. The northern portion of the square fronting on Benning Road is zoned C-M-1 and is developed with a medical building and other small businesses. The southern portion of the square fronting on Gale Street is zoned R-4 and is primarily developed with single-family row dwellings. The general character of the area is mixed commercial and residential, consisting of small businesses, row dwellings, garden apartments and the Hechinger Mall across Benning Road.

5. The applicant is seeking special exception approval in order to use the lot for parking vehicles associated with the applicant's limousine and transportation services business, as well as to provide parking for doctors and staff from the nearby medical center at 1647 Benning Road.

6. The proposed parking lot would accommodate nine vehicles and would be fenced and landscaped with evergreen shrubbery.

7. The site is located in its entirety within 200 feet of a C-M-1 District and is separated from the C-M-1 District by a 20-foot wide public alley.

8. The applicant testified that the establishment of the parking lot would improve the appearance and security of the neighborhood based on the proposed landscaping and the establishment of an active use on a currently vacant site.

9. The applicant further testified that the proposed parking lot would help to reduce the impacts of overspill parking from the commercial area on the already overburdened on-street parking supply in the immediate neighborhood.

10. The Office of Planning (OP), by memorandum dated January 3, 1991, recommended conditional approval of the application subject to a favorable report from the Department of Public Works (DPW). The OP was of the opinion that the proposed parking lot would not have adverse impacts on the surrounding neighborhood. The OP recommended that the physical aspects of the lot, including landscaping, be adequately maintained by the applicant.

11. Advisory Neighborhood Commission (ANC) 6A did not file written issues and concerns relative to the application.

12. The record contains a petition, containing the signatures of nine tenants of 1647 Benning Road, N.E., in support of establishing parking at the subject site to serve tenants of the medical center.

13. The record contains a letter from the owner of the Greater Northeast Medical Center at 1647 Benning Road in opposition to the application based on the following:

- a. This use is inconsistent and incompatible with the surrounding residential and commercial uses and offers no benefits for property owners and businesses in the immediate area;
- b. This unsightly use is detrimental to surrounding property values and is counter to the efforts of property owners and community organizations to upgrade the neighborhood; and
- c. There is no compelling economic reason to locate a truck or car repair storage lot on the site because there are ample sites elsewhere in N.E. with suitable zoning to accommodate such a use at a reasonable cost.

14. The record contains a petition of 28 signatures of area residents in opposition to the application. The opposition was generally based on the following:

- a. There is ample parking on the lots of the medical center and proposed laundromat to accommodate their parking needs in the commercial zone.
- b. The proposed parking lot would exacerbate existing traffic conditions on the 17th Street thoroughfare.
- c. The parking lot is not well lit and could become a haven for unsavory characters creating security risks for residents and patrons of the lot.
- d. A parking lot would be an eyesore and would detract from the desirability of the area for potential new residential occupants.

15. The Board left the record open at the conclusion of the public hearing to afford the applicant an opportunity to submit a revised site plan and statement of intent. A report was requested from the Department of Public Works based on the revised plans. At its public meeting of February 5, 1992, the Board deferred consideration of the application until its March 4, 1992 public meeting because the requested submissions had not yet been received by the Board.

16. By correspondence received on February 21, 1992, the applicant submitted a revised site plan indicating the size and location of parking spaces, landscaping, fencing and surface material for the lot. The applicant further submitted a statement indicating that the use of the property would be limited to the parking of personal vehicles and auxiliary parking for occupants of the medical center building.

17. By memorandum dated February 25, 1992, the D.C. Department of Public Works offered no opposition to the granting of the application on a temporary basis. The DPW indicated that the size of the parking spaces and aisle comply with the applicable standards. The DPW further indicated that the proposed paving with a recycled crushed rock material is acceptable as a temporary surfacing material.

Findings of Fact:

1. The applicant is seeking a special exception pursuant to 11 DCMR 214 which permits parking in a residential district subject to the following provisions:

214.2 A parking lot shall be located in its entirety within two hundred feet (200') of an existing Commercial or Industrial district.



- 214.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial district.
- 214.4 All provisions of Chapter 23 of this title shall be complied with.
- 214.5 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.
- 214.6 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.
- 214.7 A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity.
- 214.8 Before taking final action on an application for use as a parking lot, the Board shall have submitted the application to the D.C. Department of Public Works for review and report.

2. The Board finds that the record contains evidence that the proposed parking lot would be in compliance with the criteria set forth in Subsections 214.2, 214.3, 214.4, and 214.8. However, the applicant has failed to provide probative evidence to support a finding by this Board that the proposed parking lot meets the criteria set forth in Subsections 214.5, 214.6, and 214.7.

3. The Board finds that the applicant did not provide substantive information regarding the existing traffic situation and any impacts which would be created by the establishment of the proposed lot. Further, no comprehensive analysis of the impact of the parking lot on the existing character and future development of the neighborhood was proffered.

4. Although the establishment of the proposed parking lot would seem to result in a reduction of the impact of overspill parking on neighborhood streets by providing auxilliary parking for the nearby medical center, the applicant failed to establish the

number of parking spaces which would be devoted to that purpose as opposed to the number of spaces which would be used to accommodate the applicant's personal vehicles.

5. The applicant provided no evidence that the proposed parking would serve residential uses or short-term parking needs for uses in the vicinity.

Conclusions of Law and Opinion:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking special exception relief to establish a parking lot in a residential district. In order for the Board to grant such relief through the special exception process, the applicant must demonstrate through substantial evidence that the criteria set forth in Section 214 and 3108.1 of the Zoning Regulations have been met and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

The Board concludes that the applicant did not meet the requisite burden of proof as set forth in the preceding findings of fact. The Board notes that, pursuant to Section 3324.2 of the Zoning Regulations, the burden of proof rests with the applicant. The Board concludes that the applicant was unprepared to address all of the standards set forth in Section 214 against which the Board must judge the application.

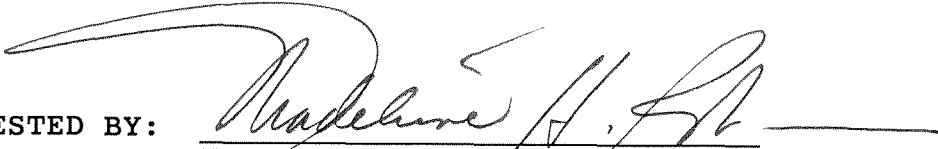
Accordingly it is hereby ORDERED that the application is DENIED.

VOTE: 4-1 (Angel F. Clarens, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to deny; John G. Parsons opposed to the motion by proxy).

BZA APPLICATION NO. 15549  
PAGE NO. 6

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: JAN 6 1993

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."

15549Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

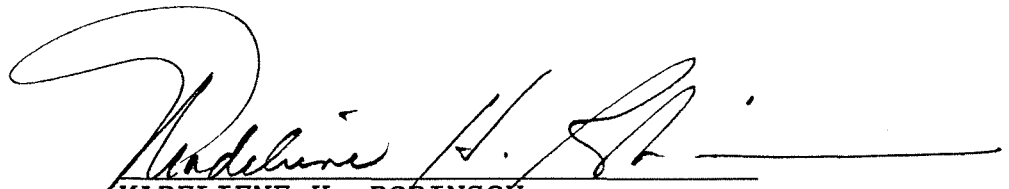


BZA APPLICATION NO. 15549

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 6 1993 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:

D.R. Madden  
243 K Street, N.E.  
Suite 2  
Washington, D.C. 20002

Craig Lisk, Chairperson  
Advisory Neighborhood Commission 6A  
1341 Maryland Avenue, N.E.  
Washington, D.C. 20002

  
MADELIENE H. ROBINSON  
Acting Director

DATE: JAN 6 1993

15549Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16230 of D. Madden, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to establish a parking lot in an R-4 District at premises 704 17<sup>th</sup> Street, N.E. (Square 4510, Lot 826).

HEARING DATE: May 7, 1997  
DECISION DATE: September 3, 1997

**ORDER**

**SUMMARY OF EVIDENCE**

The property which is the subject of this application is located on the west side of 17<sup>th</sup> Street between Gates Street, N.E. and an east-west public alley, one-half block south of Benning Road, N.E. The subject square, extending from Benning Road to Gales Street, N.E., is split-zoned C-M-1 and R-4.

The northern half of the subject square facing Benning Road is zoned C-M-1 and is developed with a medical building and other small businesses. The southern portion of the square facing Gales Street forms the boundary between the C-M-1 and R-4 Districts. The alley also provides access to garages and parking spaces for the rowhouses located to the south and the Benning Road businesses located to the north.

The R-4 District permits matter-of-right development of residential uses including detached, semi-detached and row single-family dwellings and flats with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and a maximum height limit of three stories/40 feet. Parking lots are allowed in an R-4 District with Board of Zoning Adjustment (BZA) approval.

The subject property is unimproved and is located on the southwestern corner of the intersection of the public alley and 17<sup>th</sup> Street, N.E. The subject site is generally rectangular in shape with a width of approximately 37 feet and an average length of approximately 126 feet. The site plan on file indicates that the proposed parking lot would have a total of nine parking spaces with access from the alley to the north.

The general character of the area is mixed commercial/residential, consisting of small businesses, rowhouses and garden apartments. Hechinger Mall is located across Benning Road from the subject site.

The applicant is requesting a special exception under the provisions of Section 213 of the Zoning Regulations to establish a parking lot. The applicant maintains that this application meets the provisions of Section 213 and Subsection 3108.1.

**Subsections 213.2 – 213.5 – Parking Lots:**

The applicant testified that the site is located in its entirety within 200 feet of the industrial C-M-1 District which it will serve. The subject site is contiguous to an east-west public alley, one-half block south of Benning Road, N.E.

The applicant testified that the use of the proposed nine parking spaces on the lot would not have any objectionable or adverse effects in the neighborhood by reason of noise, traffic or any other adverse conditions.

The applicant testified further that the proposed parking spaces would also reduce some overspill parking from the existing businesses onto the surrounding streets in the area.

Ms. Judith W. Richards of 1647 Limited Partnership submitted a letter dated April 16, 1997, opposing the special exception. She stated that based on the applicant's past performance, she would not rely on him to operate a parking lot in a legal, clear and safe manner that is consistent with neighborhood efforts to reduce eyesores, trash, crime and related problems.

**Subsection 213.7 – Uses of the Spaces:**

Under Subsection 213.7, the majority of the parking spaces must serve residential uses or short-term parking needs of retail, service and public facility uses in its vicinity.

The applicant testified that the area's community residents expressed their support for the proposal during a community meeting in 1996. The applicant testified that community residents would have access to the parking spaces once they are installed. The applicant submitted a list of signatures from several of the employees of the Medical Center adjacent to the property. The employees stated, that they would be willing to use the majority of the lot if the parking lots were constructed.

**Subsection 213.8 – Referrals to Other Agencies:**

This subsection requires the Board to refer this application to the Department of Public Works (DPW) for review and report. DPW, by its memorandum of May 8, 1997, had no objection to the application. DPW was of the opinion that the proposed parking lot might well be seen as a better improvement than the existing condition while an alternative use of the site was being considered.

**Subsection 2303.1 (a) – (f) – Special Provisions:**

The applicant testified that the proposed parking lot would comply with the special provisions required by this subsection by providing an all-weather impervious surface. The applicant submitted a revised physical layout and design of the proposed parking lot which would have a 15-foot wide single point of ingress and egress accessible from a 20-foot wide public alley.

The applicant proposes to provide a secure gate entrance which would allow only authorized parkers to enter. To ensure adequate safety to users, the lot would have lighting and would be periodically patrolled.

**Subsection 2303.4 – Waiver Request:**

The applicant requested that under the provisions of Subsection 2303.4, the requirements of a solid masonry wall be waived. The applicant stated that the evergreen hedges he would provide would be more than adequate and more attractive to meet the approval of all concerned and to increase the value of the adjacent properties.

**Subsection 3108.1 – Harmony with the Zone Plan:**

Under Section 3108.1, to grant a special exception, the proposed relief must be in harmony with the general purpose and intent of the zone plan, and must not tend to affect adversely the use of neighboring property.

The applicant maintains that the facility will be in harmony with the general purpose and intent of the zone plan.

The Office of Zoning (OZ), by report dated May 2, 1997, recommended approval of the application. OZ stated that it was not aware of any existing unsafe conditions that would create adverse traffic conditions. OZ believes that the proposed parking lot with nine spaces is reasonably necessary and convenient to the neighborhood, and its use would not have any objectionable or adverse impact by reason of noise or other conditions. Furthermore, the proposed parking lot would be in harmony with the general purpose and intent of the Zoning Regulations.

Advisory Neighborhood Commission (ANC) 6A passed a resolution on April 17, 1997, in support of the application. ANC 6A stated that the applicant, in his letter directed to the Commissioner for the area in which the proposed parking lot is located, promised to provide a light next to the pay telephone and to select a community resident who would have access to the property to ensure assistance in protecting the site against unwanted intrusion.

**FINDINGS OF FACT**

Based on the evidence of record, the Board finds as follows:

1. The subject property for the proposed parking lot is large enough to accommodate approximately 20 vehicles; however, in order to obtain enough turn-around room, 11 spaces were eliminated.
2. The nine spaces of the proposed parking lot are entirely within 200 feet of the existing C-C-M-1 industrial zone that the lot would serve.
3. The revised physical layout and design of the parking lot would have a wide point of ingress and egress which would be accessible from a 20-foot wide public alley.
4. The proposed parking lot is designed so that no vehicle or any part thereof would project over any lot line or building line.
5. The applicant does not plan to use the subject lot for any other purposes.

**CONCLUSIONS OF LAW AND OPINION**

Based on the evidence of record, the Board concludes that the applicant is seeking a special exception to allow the establishment of a parking lot on vacant land in an R-4 District. Granting such a special exception requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that it will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The applicant must also meet the applicable requirements of Section 213 of the Zoning Regulations.

The Board concludes that the applicant has met the requisite burden of proof by complying with all of the relevant provisions of the Zoning Regulations as specified in Section 3108.1 and 213 of the Regulations. The Board is of the opinion that locating the parking spaces on the otherwise vacant lot will be in harmony with the purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring properties. The Board concludes that it has accorded the report of ANC 6A the “great weight” to which it is entitled.

Accordingly, the Board hereby **ORDERS** that the application be **GRANTED, SUBJECT** to the following conditions:

1. Approval shall be for a period of FIVE YEARS.
2. The hours of operation shall be between 7:00 a.m. and 6:00 p.m., Monday through Sunday.



3. Bumper stops shall be installed on the parking lot.
4. All parts of the lot shall be kept free of refuse and debris. Landscaping shall be provided and shall be maintained in a healthy growing condition and in a neat and orderly appearance.
5. The parking lot shall be secured after 6:00 p.m.
6. A seven-foot high fence and evergreen hedges shall be provided along the entire periphery of the parking lot.
7. The shrubs shall be planted outside the fence line rather than inside the fence line as shown on the plans.
8. The lighting of the lot shall be so arranged that all direct light is 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 appropriate in this case.

**VOTE: 3-0** (Laura M. Richards, Sheila Cross Reid and Susan M. Hinton to grant.  
Betty King not voting, not having heard the case).

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

ATTESTED BY: *Maureen H. Rose*  
for **MADELIENE H. DOBBINS**  
**Director**

**FINAL DATE OF ORDER:** JAN 15 1998

PURSUANT TO D.C. CODE SECTION 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, AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987, AND THIS ORDER IS CONDITIONED UPON FULL

COMPLIANCE WITH THOSE 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 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.

**ORD16230/JKAN/amb**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16230**

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on \_\_\_\_\_ 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:

D.R. Madden  
DRM & Associates  
243 K Street, N.E., Suite #2  
Washington, D.C. 20002

The Chairman  
Advisory Neighborhood Commission 6A  
700 Constitution Avenue, N.E., Suite 1-515  
Washington, D.C. 20002

*Tracey W. Rose*  
for MADELIENE H. DOBBINS  
Director

DATE: JAN 15 1998

AGENDA ITEM 4

