

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;

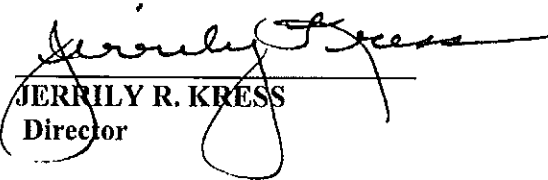
- (c) Potomac Foods Company II shall reduce the audio volume of the drive-through speakers at the back of the restaurant to a level that does not disturb residential neighbors and in no event should it exceed 60 decibels;
- (d) Trash collection shall be carried out up to four times per day as the need 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

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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