

ANC 3F RESOLUTION

Application by BB & H Joint Venture
Special Exception Use of an Accessory Parking Lot
Alley Behind Burger King
4422 Connecticut Avenue, N.W.
BZA Application No. 1875

Advisory Neighborhood Commission 3F
North Cleveland Park, Forest Hills, and Tenleytown
4401-A Connecticut Avenue, N.W., PMB 244
Washington, D.C. 20008-2322

WHEREAS, BB & H Joint Venture, on behalf of Potomac Foods Company-II, Inc. has applied to the BZA for a special exception under Section 214 of the Zoning Regulations to permit the continued use of a parking lot as an accessory to an existing Burger King Restaurant in the rear of 4422 Connecticut Avenue, N.W., in the R-1-B District (Square 1971, Lot 822); and

WHEREAS, the 16-space parking lot is within the boundaries of ANC 3F; and

WHEREAS, ANC 3F believes the applicant must also comply with Chapter 23 of the Zoning Regulations; and

WHEREAS, zoning review of the subject site indicates the following:

- The Board of Zoning Adjustment denied the use of the property as accessory parking by Order #13346, dated November 5, 1980.
- Use of the property as an accessory parking lot was approved by BZA Order No. 13687, dated July 6, 1982, for a period of three years with detailed landscaping plans and other conditions including the closing and locking of the lot nightly at 9:00 P.M.
- Continued special exception use of the parking lot was granted by the Board of Zoning Adjustment with conditions by Order No. 16000 for 5 years until 1999 (November 6, 1994); Order No. 16541 for 4 years until 2004 (March 1, 2000); and Order No. 17200 for 4 years until 2008 (November 5, 2004); and

WHEREAS, the applicant BB & H Joint Venture is now requesting special exception approval for a period of 10 years or an indefinite use; and

WHEREAS, ANC 3F, at a duly noticed public meeting on January 26, 2009, discussed the special exception application; and

WHEREAS, no one representing the applicant or Burger King was present at the meeting to respond to questions and concerns; and

WHEREAS, the parking lot has not always been maintained and the applicant has not complied with all of the conditions in its current BZA Order No. 17200; and

WHEREAS, the Board of Zoning Adjustment has scheduled a hearing for this Application on February 3, 2009; and

WHEREAS, ANC 3F wishes to exercise its right to party status in this case,

NOW, THEREFORE, BE IT RESOLVED, ANC 3F does not object to BZA Application No. 17875, provided that the following conditions are incorporated into a new Order; and

BE IT FURTHER RESOLVED that ANC 3F delegates Commissioners Solomon and Perry to represent the ANC at the Board of Zoning Adjustment.

CONDITIONS

1. Approval shall be for a period of TWO YEARS.
2. The parking lot will be for the exclusive use of Burger King and customers of the Burger King.
3. Deliveries and trash pick-up shall be limited to the hours of 10:00 a.m. to 6:00 p.m.
4. Trash pick-up shall occur at least three times per week. The number of pick-ups shall be increased if the dumpsters are overflowing on a regular basis between pick-ups. On each of the dumpsters, the side door facing the western property line shall be welded closed.
5. Two trash cans shall be maintained on the parking lot and emptied at least once per day or more often if they are overflowing with trash.
6. The parking surface and fence along the western boundary of the site shall be maintained in good condition at all times. All parts of the lot shall be kept free of refuse and debris. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance, and the trees located on the property shall be pruned at least once per year.
7. An exterminator shall perform extermination services once a month to control any rodents. In addition, the portion of the fence owned by the Applicant and located on