

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - December 9, 1970

Appeal No. 10613 Ledford Construction Company, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meetings of December 15, 1970 and January 19, 1971.

EFFECTIVE DATE OF ORDER - Feb. 11, 1971

ORDERED:

That the appeal for permission to continue parking lot for an indefinite period on southside of Adams Street between 31st and 33rd Streets, NE., Part of lots 3 and 4, Square 4364, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The property is unimproved and is situated in the subject square which is in part zoned C-M-1 and in part R-1-B.
3. The appellant proposes to continue the operation of the parking lot, which was established in BZA Appeal No. 10111.
4. The appellant alleged that all the requirements of the Board's Order in Appeal No. 10111 have been accomplished and that additional improvements will be made as the season permits.
5. Opposition to the granting of this appeal was registered at the public hearing.
6. The appellant appeared at the January 13, 1971 public hearing and requested that the Board extend Condition [a] to a period of five (5) years.
7. The Board in executive session January 19, 1971 denied appellant's request for reconsideration of Condition [a].

OPINION:

We are of the opinion that the continuation of this parking lot will not create any dangerous or otherwise objectionable traffic conditions, that the present character and future development of the neighborhood will not be adversely affected, and that the lot is reasonably necessary and convenient to other uses in the vicinity.

Appellant's request for reconsideration and/or rehearing is denied because the appellant has failed to show, as required by Section 8204 of the Zoning Regulations, that new evidence will be submitted which could not have been reasonably submitted at the original public hearing.

This Order shall be subject to the following conditions:

- [a] Permit shall issue for a period of one (1) year, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- [b] All areas devoted to driveways, accesslanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- [c] Appellant shall be prepared to discuss the specific complaints which are contained in the attached letter at the expiration of this Order.
- [d] An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- [e] Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- [f] No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

OPINION Cont'd:  
(Conditions)

- [g] All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- [h] 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 premises unless such use or structures are otherwise permitted in the zoning district in which the parking lot is located.
- [i] Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or condition of this Order have been violated.

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

ATTESTED:

By: \_\_\_\_\_

  
PATRICK E. KELLY  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

3117 Channing Street, N. E.  
Washington, D. C. 20018

December 7, 1970

Mr. Patrick E. Kelly  
Administrative Officer  
Board of Zoning Adjustment  
District Building  
14th and E Streets, N. W.  
Washington, D. C.

Zoning Code, D.C.

In re: Appeal No. 10613 (Service Area No. 2)

Dear Mr. Kelly:

Kindly consider my protest against the continuation of the parking lot of the Ledford Construction Company on the "southside of Adams St., bet. 31st & 33rd Sts., N.E. part of lots 3 & 4 Sq. 4364."

When we purchased our property approximately fifteen years ago, this neighborhood was a quiet, residential area, with very little traffic on the streets. Largely due to the expansion of the Ledford Construction Company, it is gradually becoming a neighborhood which is an unwilling host to a public nuisance that is a constant threat to our health, peace of mind, general well being and to our property.

We would greatly appreciate relief from the following conditions:

- a. Early each morning, before 6:00 a.m., we are awakened by the slamming of hoods on the trucks parked on this lot, the gunning, whining and grinding of the motors in their heavy-duty engines, the roar of these motors as the trucks race to the Parkway, the screeching of brakes as they make their stops at the stop sign on the corner; and then, a repetition of the same procedure as these trucks finally gain access to the Parkway. Many times this routine is accompanied by excessively loud backfiring. Needless to say, it is impossible for anyone to sleep in the midst of such a commotion.
- b. Added to this is the intrusion of the blaring of the public address system in the office, which seems to be located on the other side of the property. This encroachment on one's thoughts, and indeed on one's sleep also, blasts forth whatever message is being transmitted to whatever employee is concerned, loud enough to be heard by the entire block of residents and, perhaps, even further. This occurs at any time of the day--early morning, evening, and

at night. Personal privacy seems to have become a thing of the past!

c. As a part of this business, there seems to be some sort of a repair shop where hammering and a whining-type noise, similar to that of welding, are carried on. Frequently these noises are heard in the neighborhood all day and on into the night. One night last summer, it was necessary for my husband to go over there after 11:00 p.m. to request that this din cease so that we might get some sleep. The reply was to the effect that the work just had to be done and that was the only time to do it. My husband, of course, then called the police department with his complaint and then--and only then--did we get any relief.

d. In addition to the above infringements on our personal wellbeing, the many employees of this concern park in the neighborhood. They eat their snacks and drink their beer and other alcoholic beverages and either leave their trash, cans, and bottles on the curbside, in the streets, or else throw them about the area wherever they see fit, littering our property with their debris daily. Frankly, we are sick of picking up their trash from our front lawn.

e. While I have no personal knowledge of accidents, I suggest that police records be checked on this point. It is evident that the heavy traffic is a potential hazard particularly to small children and to elderly or handicapped residents. Consideration should also be given to the damage being done to the pavement and sidewalks. The increase in pollution due to the obnoxious fumes from these vehicles also cannot be ignored.

f. If confined to normal working hours, the problem would be bad enough but there seems to be a gradual increase of use by Mr. Ledford's concern in the evening and in the early morning hours which is not compatible with a heretofore pleasant residential district.

It would be greatly appreciated if the Ledford Construction Company might be prohibited immediately from maintaining this public nuisance which so callously infringes on the rights of property owners of this neighborhood, blatantly disturbing our right to normal living and thereby diminishing the comfortable enjoyment of our homes.

Consideration of this petition is respectfully requested.

Very truly yours,

*Helen Y. Smith*

Helen Y. Smith  
(Mrs.) Clarence Smith