

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - December 8, 1971

Appeal No. 10994 Louise Fitzgerald, 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 meeting of December 14, 1971.

EFFECTIVE DATE OF ORDER - May 12, 1972

ORDERED:

That the appeal for permission to continue parking lot for ten (10) years at 2403-15 H Street, N. W. and 819 New Hampshire Avenue, N. W., lot 15 and part of lots 9-15 in Square 30 be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in an R-5-D District.
2. The property is presently used as a parking lot and appellant requests permission to continue operation for ten (10) years.
3. Appellant stated that the operation of the parking lot is primarily for the benefit of the Elise Apartments, Potomac Plaza Apartments and any other tenants of the neighborhood.
4. The appellant at the public hearing stated that his parking operation is not one which would generate traffic to the neighborhood, but rather a garden type parking lot for the benefit of the tenants and the residents of the immediate neighborhood.
5. Appellant intends to rent parking spaces by the month rather than by the hour to business people.
6. The Department of Highways and Traffic offers no objection to the granting of this special exception to continue the operation of this parking lot. However, approval should be given for only a five (5) years period rather than ten (10) years as requested on the application.

7. Opposition was registered at the public hearing as to the granting of this appeal stating that the appeal has not complied with previous Board Order in that there is no cement curbing of sufficient height to restrict parked cars from parking beyond the confines of the parking lot.

OPINION:

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine, the Board is disposed to entertain a motion to reopen this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for public inspection in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N.W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

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

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. Appellant must fence off green area of parking lot.
- c. Appellant must install a cement curbing of sufficient height to restrict parked cars from parking beyond the confines of the parking lot.

d. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

e. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

f. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

g. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

h. 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.

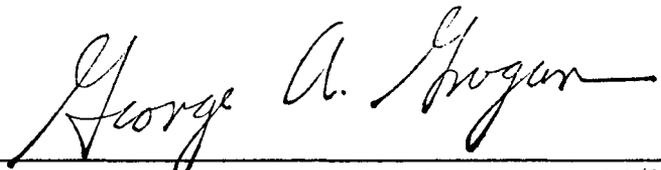
i. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

j. 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.

Permit shall not issue until all conditions of this Order are met and complied with and further, the Board reserves the right to direct revocation of permit upon proper showing that any terms or conditions of this Order have been violated.

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

ATTESTED:

By: 

GEORGE A. GROGAN
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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.