

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - February 9, 1972

Appeal No. 11070      Diamond Housing Corporation, 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 May 18, 1972.

EFFECTIVE DATE OF ORDER - June 6, 1972

ORDERED:

That the appeal for permission to provide accessory parking (without covenant) on Lots 179, Square 237, to serve public hall located at 1907-09 - 14th Street, NW., Lots 28 and 29, Square 237 or in the alternative variance of parking requirements for 28 cars, be CONDITIONALLY GRANTED.

FINDINGS OF FACT:

1. The subject property is located in a C-M-2 District.
2. The property is presently unimproved.
3. Appellant request permission to provide accessory parking without covenant to serve public hall.
4. Appellant stated at public hearing that the subject premises is located in an industrial zone which is a proper zone for his proposed use.
5. Appellant stated that the accessory parking is necessary in order that he may get a certificate of occupancy for his public hall.
6. Evidence was submitted by appellant to show that the establishment which is a parking lot in the area proposed by him will act as a clean-up measure in that the lot is now in a littered condition.

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7. There was substantial objection to the granting of this appeal. The objections by the Central Northwest Citizen's Association and the Wallace Place Block Committee was substantial that a parking lot in the area will add nothing to the safety of persons in the neighborhood. Their objections was also based on the establishment of the proposed parking lot as a gathering place for the undesirables, " loiterers" of the area and could possibly be the scene of any number of criminal acts.

OPINION:

The Board denies the request for the variance of parking requirements for 28 cars. However, the Board conditionally grants permission to provide accessory parking without a covenant on Lot 179, Square 237 to serve public hall at 1907-09 - 14th Street, NW.

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 re-open 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 inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, NW. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address. The motion should also be served upon all other persons appearing in proceedings. Opposition to the motion should be filed and served on all other persons to the proceedings no later than five (5) calendar days after receipt of the motion.

We are of the opinion that the accessory parking (without covenant) 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) That the appeal is granted for accessory parking without covenant for as long as it is used in conjunction with the public hall.
- (b) All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- (c) An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- (d) Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- (e) No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- (f) All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- (g) 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.

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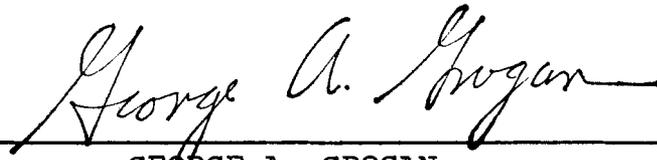
(h) Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or 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.