

Before the Board of Zoning Adjustment, D. C.

Application No. 11626 of Frederic Richmond, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to continue the operation of a parking lot as provided by Section 3104.44 at 1613-15 New Hampshire Avenue, N. W., Lots 829 and 830, Square 155.

HEARING DATE: May 15, 1974

EXECUTIVE SESSION: June 6, 1974

FINDINGS OF FACT:

1. The Subject property is located in a SP Zone and is presently used as a public parking lot.

2. Applicant requests permission to continue the operation for a period of five years. In a previous appeal the Board denied a request for a parking lot because the owners had not complied with conditions set forth in the Board's Order (See BZA No. 9924, dated February 12, 1969).

3. On March 25, 1969 the Board denied a request for rehearing or reconsideration on the basis that lack of knowledge by the record owner of the processing of this application is a "claim without merit."

4. In BZA Appeal No. 10581, dated March 2, 1971, the Board conditionally granted permission to continue the operation of the subject lot for a period of five years, based upon evidence submitted at the Public Hearing, that complaints concerning the parking lot which were presented in Appeal 9924 have been corrected and that steps were being taken to further improve the lot. (See BZA Exhibit No. 37 in Case No. 10581)

5. Mr. Frederic Richmond, owner of the property, testified, that all conditions of the prior order have been met and that the lot is in first class condition.

6. The parking lot is leased to Joseph I. O'Connell and is operated by Sarbov Parking Corporation. Mr. O'Connell supervises and maintains the lot.

7. Various business establishments in the neighborhood use the lot as well as the general public. Applicant submitted petitions in support of the application from persons within the immediate neighborhood.

8. The subject case was referred to the Office of Planning and Management Staff for a report. To date no report has been submitted.

9. The Department of Highways & Traffic offered no objection to the continuance of this lot.

10. Opposition testified that the lot had an adverse effect upon the neighborhood. Opposition objected to the Highways & Traffic report being placed in the record since a representative of the Department was not present for cross-examination. The Board waived cross-examination, pursuant to Section 3.42 of the Rules of Practice and Procedure, finding the document to be full and complete on its face.

CONCLUSIONS OF LAW:

The Board is of the opinion that the continuance of this lot will not create any dangerous or otherwise objectionable traffic conditions. We find that the lot is reasonably necessary to other uses in the vicinity and it will not have an adverse effect upon the neighborhood.

ORDERED:

That the above application be **CONDITIONALLY GRANTED** for one year.

This Order will be subject to the following conditions:

a. Permit shall be issued 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, 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. Chains shall be provided to close the lot at night.

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.

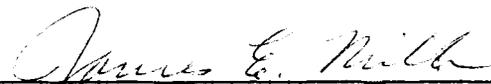
i. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE:

3-1-0 (Lilla Burt Cummings dissenting & Mr. Harps not present, not voting)

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

ATTESTED BY:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

7/11/74

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.