

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11658, of Fourth Street Joint Venture, pursuant to Section §207.2 of the Zoning Regulations, for permission to continue the use of a parking lot as provided by Section 4101.41 at premises 507-517 4th Street, N.W., Lots 17, 18, 806, 807, 19, 808, 809, Square 531.

HEARING DATE: July 17, 1974
EXECUTIVE SESSION: July 23, 1974

FINDINGS OF FACT:

1. The subject lot is located in the Sp zone. The lot has been used as a parking lot since 1967 with Board approval, (See Orders 9429 & 11258.)
2. The parking lot is operated by Diplomat Parking, Inc.
3. Mr. Irving Berman, managing partner of 4th Street Joint Venture, testified that the company intends to erect an office building on the site as soon as financing becomes available.
4. A field inspection of the site by the Zoning Activities Unit of the Office of Planning and Management revealed that the parking lot is in violation of the Board's previous Order No. 11258.

These violations are:

- a. Nothing existed along the driveways of the 4th Street side of the lot to protect the public space.
 - b. Bumper stops were not erected for the protection of adjoining buildings.
 - c. Two cars and two motorcycles were parked on the public space on the 4th Street side of the lot.
 - d. The perimeter of the lot was littered with refuse and debris. Landscaping was not kept in a neat and orderly appearance.
5. The Board finds that no inquiry was made by the Zoning Activities Unit to determine if the vehicles parked on public space were there as a result of the operation of the parking lot or as a result of persons parking illegally on the streets.

6. Mr. Edenbaum, Vice President of Diplomat Parking, testified that a maintenance crew cleans the lot at least three times a week. He also testified that with construction of the metro, the new Labor Department and Freeway, it is difficult to keep the lot free of trash and other debris.

7. With regard to the other violation, Mr. Edenbaum testified that they would comply with the Board's Order.

8. The Department of Highways & Traffic has no objection to the continuance of this parking lot. The Department estimates that parking lots in the vicinity operate at approximately 90% capacity.

9. There was no opposition to this application at public hearing.

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. The lot is reasonably necessary and convenient to other uses in the vicinity.

However, the Board feels that no Certificate of Occupancy should be issued until the conditions of the prior Order have been complied with.

Therefore, the applicant will be given sixty (60) days to comply with the following conditions:

a. Permit shall be issue for a period of 60 days but shall be subject to renewal in the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, assess 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 line 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 or 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.

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 have been violated.

ORDERED: That the above application be CONDITIONALLY GRANTED, for a period of sixty (60) days, at the end of such time the Zoning Administrator will conduct an inspection of the site to find out whether or not the conditions of the prior BZA Order 11258 have been complied with. After an inspection of the site has been made, Mr. Fahey will submit a report to the Board and a new Order will be issued.

VOTE: 5-0

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA.

ATTESTED BY: James E. Miller

JAMES E. MILLER, Secretary to Board

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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.

FINAL DATE OF THIS ORDER:

AUG 26 1974
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Application No. 11658, of Fourth Street Joint Venture, pursuant to Section 8207.2 of the Zoning Regulations, for permission to continue the use of a parking lot as provided by Section 4101.41 at premises 507-517 4th Street, N. W., Lots 17, 18, 806, 807, 19, 808, 809, Square 531.

HEARING DATE: July 17, 1974

EXECUTIVE SESSION: July 23, 1974

ORDERED: Based upon the report of the Zoning Administrator that applicant in the above case has complied with all of the conditions of the Board's previous Order in this case, August 26, 1974, and no opposition having been registered at the public hearing of this case, that this application be and is hereby CONDITIONALLY GRANTED, for three (3) years from the final date of this Order.

CONDITIONS ARE AS FOLLOWS:

a. Permit shall issue for a period of five (5) years but shall be subject to renewal in the discretion of the Board upon the filing of a new application 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 over the public space.

f. 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. Landscaping plans must be approved by the Department of Highways and Traffic.

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.

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.

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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: James E. Miller
JAMES E. MILLER
Secretary to the Board of Zoning Adjustment

FINAL DATE OF ORDER: November 8, 1994

This Order is effective for the purpose an of the above final date and is valid for a period of six (6) months only unless application for a building permit and/or occupancy permit is filed with the Department of Economic Development within a period of six (6) months after the effective date of this Order.