

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11899, of the Trustees of Amherst College, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to permit the continued use as a private parking lot as provided by Section 3104.44 of the regulations at the premises 6 and 8 3rd Street, S. E., in the R-4 zone, known as Lot 810, Square 787.

HEARING DATE: May 21, 1975

DECISION DATE: May 27, 1975

FINDINGS OF FACT:

1. Applicant proposes to continue use of the subject property as a private parking lot in an R-4 zone.

2. The subject parking lot operates pursuant to Board of Zoning Adjustment Order No. 10836, issued August 23, 1971, for a five (5) year period ending May 13, 1975.

3. The subject property contains a total of nine (9) spaces with four (4) spaces leased to the Folger Shakespeare Library and five (5) spaces leased to the Meteorological and Geostrophysical and Abstracts Society, both of which are convenient to the lot.

4. The staff memorandum of the Municipal Planning Office of the Zoning Division dated May 1, 1975, and subsequent testimony at public hearing recommended approval of the application based upon applicant's compliance with Section 3104.44 and article 74 of the Zoning Regulations and general compliance with the conditions set forth in BZA Order No. 10836.

5. The Department of Highways and Traffic issued a report dated March 11, 1975 offering no objection to the continuation of use as a private parking lot.

6. The Capitol Hill Restoration Society is a letter dated May 19, 1975 voted unanimously to support the application Subject to the applicant taking action to prevent other unimproved property it owns in the neighborhood from being used illegally as a parking lot. The Board finds that condition irrelevant to the subject application and disregards the support voiced by the citizens association.

CONCLUSIONS OF LAW:

Upon consideration of the above findings of fact and the evidence of record the Board finds pursuant to Section 3104.44 that the applicant has complied with the provisions of Article 74 of the Zoning Regulations as more specifically set forth in the Zoning Division memorandum dated May 1, 1975. The Department of Highways and Traffic has reported no objection to continuation of the use as a private parking lot for nine (9) automobiles and there will be no dangerous or otherwise objectionable traffic resulting from the use. The parking lot is paved and the landscaping is well maintained. There will be no adverse affect on the present character or future development of the neighborhood. The subject parking lot is convenient to the location of its tenants and is reasonably necessary due to the very limited parking available in the neighborhood.

ORDERED:

It is hereby Ordered that the application be GRANTED, subject to the following conditions:

(a) This Order shall be issued for a period of three (3) years but shall be subject to renewal within the discretion of the Board upon the filing of a new application pursuant to the Zoning Regulations.

(b) All areas devoted to driveways, access lanes and parking areas shall be paved with materials which form an all weather impervious surface.

(c) Bumper or tire stops shall be erected and maintained for the protection of all adjoining businesses.

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

(e) No other use shall be conducted from or upon the premises and no structure shall be erected or used upon the premises unless such use or structure is othrewise permitted in the District is which the parking lot is located.

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

(g) All parts of the lot shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly condition.

VOTE: 4-0 (Mr. Klauber not voting after not having heard the case.)

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, D. C.

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to 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.

FINAL DATE OF THIS ORDER: 6/19/75