

Before the Board of Zoning Adjustment, D. C.

Application No. 11918, of Central Pension Fund of the International Union of Operating Engineers and Participating Employers, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a parking lot to serve 4115 Chesapeake Street, N. W., as provided by Section 3101.48 of the regulations, in the R-2 Zone, at the premises 4120 Chesapeake Street, N. W., Lots 37, 38, & 39, Square 1732,

HEARING DATE: July 16, 1975

DECISION DATE: August 6, 1975

FINDINGS OF FACT:

1. The applicant proposes to establish a parking lot in order to provide parking for a non-profit SP Zone use located at 4115 Chesapeake St., N. W.

2. The proposed parking lot is located at 4120 Chesapeake St., N. W.

3. The proposed parking facility would provide twenty (20) parking spaces.

4. Subsection (a) of Section 3101.48 of the Zoning Regulations mandates that a parking facility provided under Section 3101.48, "will be located in its entirety within 200 feet of an existing commercial or industrial district and such parking lot shall be contiguous to or separated only by an alley from such commercial or industrial zone".

5. The Board finds that the proposed parking lot is neither contiguous to a commercial or industrial zone, nor separated only by an alley from a commercial or industrial zone.

6. The Board permitted the applicant, at public hearing, to amend its application to request a variance from the requirements of subsection (a) of Section 3101.48 of the regulations.

7. The applicant, through its agent, testified at public hearing that it suffers from a practical difficulty and hardship, because it needs the parking proposed by this application.

8. The Board finds that the hardship asserted by the applicant relates to its use of property which would benefit from the proposed use, and not the subject property.

9. The Department of Transportation offered no objection to the subject application.

10. A representative of the Tinley Circle Citizens Advisory Board testified in opposition to this application.

11. The Board finds that between the subject property, and the nearest commercial zone which is C-3-A, there is first a small R-2 Zone row dwelling development and then a public alley way.

12. The Municipal Planning Office recommended denial of this application, being of the opinion that the proposed use would adversely affect adjacent residential properties by reason of added noise and visual impact of a parking lot.

OPINION AND CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the record, the Board is of the opinion that granting of this application would require a use variance because the use in question is only permitted if it meets special conditions. Accordingly, since the applicant cannot meet the mandate of subsection (a) of Section 3101.48 of the regulations, a variance from the use provisions of the R-2 Zone is required to permit the proposed use.

The Board concludes that the applicant has not carried its burden of proving the existence of a hardship which relates to the property proposed to be used as a parking lot because it has not shown that such property cannot be used for its zoned purpose. Accordingly, the Board further concludes, that to grant this application without the proof required would violate the meaning and intent of the Zoning Regulations and Maps.

ORDERED: That the above application be DENIED.

VOTE: 4-0 (Lilla Burt Cummings, Esq., not voting,
not having heard the case)

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

ATTESTED By: *James E. Miller*
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: *8/23/75*