

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11960, of D. C. Redevelopment Land Agency (known as the Department of Housing and Community Development) pursuant to Sections 8207.2 & 8207.1 of the Zoning Regulations, for a special exception to permit a parking lot in the R-4 zone, as provided by Section 3104.44 of the regulations, and for a variance, as amended at public hearing, from Section 7404.11 of the regulations requiring an all-weather impervious surface, as provided by Section 8207.11 of the regulations, at the premises 815 - 1st Street, N.W., Lots 84,85,803,804,805,806, & 127, Square 623.

HEARING DATE: August 20, 1975

DECISION DATE: September 5, 1975

FINDINGS OF FACT:

1. Applicant proposes to lease the subject property to S.O.M.E. (So Other Might Eat), a non-profit charitable organization, which will operate the commercial parking lot in order to produce income for its social programs conducted throughout the community.

2. The requested parking lot use is proposed as a temporary use since the applicant has designated the subject property for use as an elementary school. The school use is planned for several years in the future as it has not yet been budgeted.

3. The subject property is now being used as a commercial parking lot. It is located adjacent to a large parking lot used by the General Accounting Office and there are other parking lots in the immediate vicinity serving commercial buildings and office uses. There is also a low and moderate income housing development including high rise apartments located nearby.

4. The staff report of the Zoning Services Division of the Municipal Planning Office, dated August 15, 1975, and subsequent testimony at public hearing recommended approval of the parking lot as a temporary use subject to conditions that would prevent unsightly conditions and protect the public space. The report pointed out certain deficiencies with the parking lot and the applicant's response to correct those deficiencies as follows:

- a. To surface the entire parking lot with a blue chip covering.
- b. To provide a separate entrance and exit on the 1st street side each to be eighteen (18) feet wide.
- c. To construct a fence on the side of the parking lot facing 1st and Eye Streets.

The report stressed that the lot is located in the midst of other parking lots and does not affect the neighborhood adversely.

5. The applicant amended its application at public hearing to include a variance from the requirements of an all-weather impervious surface since the lot is to be only a temporary use by a non-profit organization and the permanent use of an elementary school could not make use of such a surface on the entire parcel.

6. There is no opposition or record to the application.

CONCLUSIONS OF LAW:

Based upon the above findings of fact and the evidence of record the Board is of the opinion that the applicant can comply with Article 74 of the Zoning Regulations except for paving the property with an all-weather impervious surface. The vacant lot is scheduled to be an elementary school site in the near future and a parking lot is the only beneficial use of the land practicable for the undetermined period of time. Because the school project is to be constructed in the immediate future the requirement of an all-weather impervious surface will impose a practical difficulty upon the applicant. There are commercial uses and office uses in the vicinity which the subject parking lot will serve and no objectionable traffic conditions will result from the use. Besides commercial and office uses there are other parking lots in the area and there will be no adverse affect upon the present character and future development of the neighborhood. The Board finds that the temporary use will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the neighboring property.

ORDER: It is hereby ORDERED that the above Application be GRANTED CONDITIONALLY for a Period of Three (3) Years as follows:

- a. Applicant shall surface the parking lot with a blue chip covering.
- b. A separate entrance and exit will be provided on the first (1st) Street side.
- c. A fence will be constructed on the side of the parking lot facing first (1st) and Eye Streets.
- d. Permit shall be issued for a period of three (3) 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.

- e. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- f. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- g. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- h. No vehicle or any part thereof shall be permitted to project over any lot or building line or over the public space.
- i. 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 Transportation.
- j. 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 which the parking lot is located.
- k. 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.

VOTE: 3-0 (Mr. Scrivener & Lilla Burt Cummings, Esq., not voting not having heard the case.)

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

ATTESTED By: Martin Klauber
MARTIN KLAUBER
Acting 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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF THIS ORDER: January 14, 1976