

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11983, of Milton and Adele Isen, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under paragraph 3101.48 to continue the use of a parking lot in the R-3 and C-2-A districts at the rear of the premises 2332-38 Wisconsin Avenue, N.W. (Square 1300, Lot 815.)

HEARING DATE August 20, 1975
DECISION DATE: September 5, 1975

Description: Application Granted with conditions by a vote of 3-1 (Harps, McIntosh and Lewis to Grant, Cummings to Deny and Scrivener not voting, not having heard the case.)

Final Date of the Order: November 10, 1975

ORDER

Upon consideration of the applicant's motion for reconsideration received in the Board of Zoning Adjustment office on November 20, 1975, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support the motion for reconsideration. It is therefore Ordered that the applicant motion for reconsideration is DENIED.

VOTE: 3-0 (Harps, McIntosh and Lewis to Deny, Cummings and Scrivener, not present, not voting.)

DECISION DATE: January 14, 1976

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

ATTESTED BY: _____

Steven E. Sher

STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: MAR 1 1976

Before the Board of Zoning Adjustment, D. C.

Application No. 11983, of Milton Isen and Mrs. Adele Isen, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a parking lot in the R-3 and C-2-A Zones as provided by Sections 3104.44 or 3101.48 of the regulations, at the premises (rear of) 2332-38 Wisconsin Avenue, N. W., Lot 815, Square 1300.

HEARING DATE: August 20, 1975

DECISION DATE: September 5, 1975

FINDINGS OF FACT:

1. Applicant proposes to renew approval of a parking lot in the R-3 Zone which serves commercial buildings in the C-2-A Zone. The parking lot has existed since 1941.

2. The parking lot is contiguous to and located entirely within two hundred (200) feet of the C-2-A Zone.

3. The parking lot serves commercial stores fronting on Wisconsin Avenue. There is little off-street parking in the area and the subject parking lot is necessary to reduce the traffic congestion in the surrounding residential area.

4. Applicant requests a ten (10) year renewal of the parking lot because the prospective long term lessee requires the parking to be available at all times during the lease period. Said prospective lessee in a letter to the Board dated August 18, 1975, stated its intention to remodel the stores served by the parking lot and requested uninterrupted use of the parking for its employees and customers during a period of fifteen (15) years.

5. The Department of Highways and Traffic in a written report, dated June 24, 1975, stated no objection to continued use of the parking lot.

6. The Zoning Services Division of the Municipal Planning Office in its written report dated August 15, 1975, and subsequent testimony at public hearing recommended approval

of application. The parking lot was described as reasonably necessary to serve the commercial stores fronting on Wisconsin Avenue. It was noted that screening on the 37th Street, side of the lot reduced visual impact on the residences across the street although the shrubbery is in disrepair.

7. Opposition to the application was received by letter from the Glover Park Citizens Association objecting to the use of R-3 property for parking in view of a housing shortage and the adverse affect of the parking lot to the present character and future development of the neighborhood. If granted the Citizens Association stated an objection to any renewal of more than two (2) years on the basis that the renewal process assures maintenance of the parking lot and when possible will permit the lot to be phased out more easily in order to give preference to a residential use.

8. Further opposition was received by letters from neighbors in the immediate neighborhood who did not want to live near a parking lot and who objected to the disrepair of the lot with a half-broken fence, and weeds, shrubbery and trees so overgrown that neighbors were forced to walk in the street instead of on the sidewalk.

9. Substantial support of the application was received by letters from both commercial interests and residents of the neighborhood stating that it was in the best interest of the community to provide off-street parking to protect the residential neighborhood and that the parking is essential for both the employees and customers of the commercial interests.

10. The parking lot was cited for violations in 1974 relating to the paving and debris on the surface. The violations were corrected at that time.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, and the evidence of record the Board finds that the subject parking lot is reasonably necessary and convenient to the neighborhood. The

lot has existed since 1941 serving the commercial stores in the C-2-A Zone. Because there is virtually no off-street parking to accommodate the customers and employees of the commercial uses the subject parking lot serves to preserve the residential quality of the neighborhood. The lot is contiguous to and located in its entirety within two hundred (200) feet of the C-2-A Zone. In previous Board Order No. 9657 the Board waived the condition of a brick wall in favor of brick gate posts which have been erected and the screening on the lot reduces impact upon the surrounding residences. It is not likely that the parking lot will become objectionable to adjoining property because of noise, traffic or other objectionable conditions. Although the applicant has generally complied with Article 74 of the Zoning Regulations there is some question as to the maintenance of the parking pavement and shrubbery located on the lot. No provisions of this Order shall take effect and no Certificate of Occupancy shall be issued until the applicant makes any necessary corrections to comply strictly with Article 74 and the compliance has been verified by a zoning inspector. Pursuant to Sections 3101.48 and 8207.2 of the Zoning Regulations the Board finds that the subject parking lot is in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

ORDER: It is hereby ordered that the above application be GRANTED CONDITIONALLY subject to the following:

- a. No Certificate of Occupancy shall be issued until a zoning inspector verifies that applicant has strictly complied with Article 74 of the Zoning Regulations and the conditions hereinafter stated.
- b. This Board's Order shall expire in one (1) year but a new application pursuant to the regulations may be filed.
- 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.

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
Secretary to the Board

FINAL DATE OF ORDER:

November 10, 1975

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.

Before the Board of Zoning Adjustment, D. C.

Application No. 11983 of Milton and Adle Isen, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under paragraph 3101.48 to continue the use of a parking lot in the R-3 and C-2-A Districts at the rear of the premises at 2332-38 Wisconsin Avenue, N. W., (Square 1300, Lot 815).

HEARING DATE: August 20, 1975

DECISION DATE: September 5, 1975

DISPOSITION: Application GRANTED with CONDITIONS by a vote of 3-1 (William S. Harps, William F. McIntosh and Walter B. Lewis to grant, Lilla Burt Cummings, Esq., to deny and Samuel Scrivener, Jr. not voting not having heard the case).

FINAL DATE OF ORDER: November 10, 1975

O R D E R

Upon consideration of the applicant's request, dated April 13, 1976, for modification of the Order of the Board in this case, dated November 10, 1975, the Board finds that the applicant presents valid reasons as to why the Order should be modified. It is therefore hereby ORDERED that the Order of November 10, 1975, of the Board in this case is hereby modified as follows:

1. Condition "C" is hereby deleted.
2. Condition "D" is hereby deleted.
3. The following is to be substituted for Condition "D":
"The applicant shall erect wheel stops along the edge of the surface used for parking, such wheel stops to be located such that no part of a vehicle will project over a surface not used for parking."

DATE OF DECISION: May 3, 1976

VOTE: 3-0 (William F. McIntosh, Leonard L. McCants and Walter B. Lewis to adopt modification, Lilla Burt Cummings, Esq. and William S. Harps not present not voting)

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

ATTESTED By: _____

Steven E. Sher
STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF ORDER: _____

MAY 21 1976

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.