

Before the Board of Zoning Adjustment, D. C.

Application No. 12025 of Gelman Construction Company, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a special exception under Paragraphs 3104.44, 3104.45, and 7205.3 to continue the use of an accessory parking lot in the R-5-A District at 650-54-56 Milwaukee Place, S.E., (Parcels 234/13, 234/15, 234/34 and 234/35, Square 5982), to serve the McDonald's Restaurant at 2705 Martin Luther King Avenue, S.E., immediately adjacent thereto.

HEARING DATE: December 17, 1975

DECISION DATE: February 11, 1976

FINDINGS OF FACT:

1. The property is located in an R-5-A District.
2. This application requests the continuation of an existing accessory parking lot. The parking lot was approved by the Board of Zoning Adjustment in Applications No. 10408-10 on August 24, 1970, for a period of five years, subject to renewal.
3. The parking lot meets all the requirements of the Board's previous order set forth in the opinion and complies with the requirements of the R-5-A zone.
4. The subject parking lot contains spaces for approximately 21 automobiles.
5. The northern boundary of the property line is improved by a 10-foot stone wall and the western boundary is improved by a fence and evergreen screening. The wall, fence and evergreen screening are well maintained and in good order, as required by the Board's earlier approval.
6. The parking spaces provided on the lot where the restaurant is located meet all zoning requirements but are not sufficient to meet the needs of the customers. This accessory parking lot is located immediately adjacent to the lot on which the restaurant is located.

7. All provisions of Article 74 are complied with in that all areas devoted to driveways, access lanes and parking areas are paved with an impervious surface; the parking lot is designed so that no vehicle or any part thereof shall project over the property line of any building; no other use will be conducted from the premises; the entrance to the lot is more than 25 feet removed from a street intersection; the lighting is so arranged so that all direct rays will be confined to the surface of the lot.

8. The accessory parking lot has access from both the parking lot on the property where the restaurant is located and from Milwaukee Place, and is convenient to the neighborhood and designed in a manner so as not to become objectionable to adjoining or nearby property owners because of noise, traffic or other objectionable conditions.

9. The parking lot helps to serve the needs of the restaurant's 15,000 weekly customers. The parking lot is usually filled to capacity during the hours from 9:00 a.m. to 1:30 p.m., 6:30 p.m. to 9:00 p.m. weekdays and 9:00 p.m. to 12:00 p.m. on weekends.

10. The Department of Transportation, by reported dated August 15, 1975, offered no objection to the continuation of this parking lot.

11. The lot has been maintained in a clean manner, including daily and continuous policing. The lot itself is policed for trash and debris continuously during the day and evening hours and twice daily an area approximately 500 feet in both directions on Martin Luther King Avenue and all of Milwaukee Place is policed for trash.

12. The Municipal Planning Office, by report dated November 14, 1975, recommended that the application be granted and that the parking lot be approved for a period of five years, subject to the same conditions specified in Order No. 10408-10.

13. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION

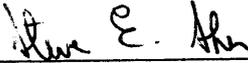
The Board concludes that the applicant meets the requirements of Section 3104.45 of the Zoning Regulations, based upon the findings made above. The Board concludes that there was ample testimony showing that the lot is convenient to the area and necessary to serve the needs of the restaurant facility to which the parking is accessory. There is no evidence of any type that the parking lot has had any detrimental effect on the area. The granting of this application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and maps. There have been no complaints received concerning the operation and maintenance of the lot. It is therefore ordered that this application be granted subject to the following conditions:

1. This application is granted for a period of five years.
2. The applicant shall comply with all of the conditions of the Board's order in Case 10408-10.

VOTE: 3-0 (Lewis, McCants and Harps to grant, Cummings and McIntosh not voting not having heard the case).

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

ATTESTED:

  
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Steven E. Sher

Acting Secretary to the Board

THIS 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 ORDER: MAR 4 1976