

Before the Board of Zoning Adjustment, D. C.

Application No. 12046, of the United Virginia Bank/Trustee, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to permit the continuation of a parking lot in the SP Zone, as provided by Section 4101.41 of the regulations, at the premises 1104 - 13th Street, N. W., Lot 840, Square 247.

HEARING DATE: January 21, 1976

DECISION DATE: January 21, 1976

FINDINGS OF FACT:

1. The property is located in a Special Purpose zoning district and was previously approved for parking lot use in B.Z.A. Application No. 11308.
2. Applicant has received no complaints because of the operation of the lot and complies with the conditions imposed by the Board in the grant of the parking lot.
3. Access to the property is through an easement over lot 843 belonging to the gasoline service station, located on "L" Street.
4. The adjoining property to the south is the gasoline service station approved by the Board in B.Z.A. Application No. 11308. In the immediate area are other parking lots and commercial uses.
5. Article 7404 is met in that all areas devoted to driveways and access lanes are paved with material forming an all-weather, impervious surface; the lot is designed so that no vehicle or any part thereof shall project over any lot line or building line; no other use will be conducted on the premises; no vehicular entrance or exit is located within twenty-five (25) feet of a street intersection as measured from the intersection of the curb lines extended; and any lighting to be used will be so arranged that all direct rays are confined to the surface of the lot.
6. The use is located and designed so that it is not likely to become objectionable to adjoining and neighboring properties because of noise, traffic or other objectionable

conditions. The property is located on the periphery of the C-4 Zoning District in an SP Zone. In the SP Zone, "controlled parking facilities are to be encouraged." The applicant does not propose any changes in the operation of the lot from that which was approved by the Board in B.Z.A. Application No. 11308.

7. The present character and future development of the neighborhood will not be adversely affected by the continuation of this lot. The property has frontage of 19 feet on "L" Street and has a depth of 100 feet, having a total area of 1,900 square feet. The lot in and of itself is not large enough to support an economic SP use. The owner has in the past attempted to find an alternate, appropriate use, but has been unsuccessful in such search. The parking lot use is an appropriate interim use for the site.

8. The Department of Transportation filed a report and has no objection to the grant of this application.

9. There was no opposition to the grant of this application.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the evidence of record the Board concludes that the applicant has met the requirements of Section 4101.41 of the Zoning Regulations in that the use is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions. There will be no adverse affect upon the present character and future development of the neighborhood. The Board further finds that the special exception can be granted in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

ORDERED: It is hereby ordered that the above application be GRANTED CONDITIONALLY for two (2) year period as follows:

VOTE: 4-1 (Lilla Burt Cummings, Esq., dissenting).

This Order shall be subject to the following conditions:

a. Permit shall issue for a period of two (2) years but shall be subject to renewal at the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.

b. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

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

e. 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.

f. 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.

g. 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.

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

ATTESTED By: 
MARTIN KLAUBER
Acting Secretary to the Board

FINAL DATE OF ORDER: FEB 3 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.