

Before the Board of Zoning Adjustment, D. C.

Application No. 12061, of Marvin B. Hopkins, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.43 to permit a parking lot in the R-4 District at the rear of the premises at 416 -4th Street, N. E., (Square 780, Lot 62).

HEARING DATE: February 18, 1975

DECISION DATES: February 24, 1976 and March 23, 1976

FINDINGS OF FACT:

1. The subject property is located in an R-4 District, one-half block from a strip of C-2-A zoning along Massachusetts Avenue and "D" Street, N. E.

2. The Board granted approval to establish an accessory parking lot in Appeal No. 6735, public hearing June 19, 1962 for Lot 42, in Square 780, which is directly northwest of the subject property.

3. The subject property is an alley lot. The lot is bounded by a 10 foot public alley on the east, a 25 foot public alley on the south, a 30 foot public alley on the west and a 15 foot public alley on the north.

4. The lot is presently marked off for 28 parking spaces. The plan submitted by the applicant proposes 23 parking spaces. Three of those 23 spaces would not be immediately adjacent to one of the alleys, and might require moving of another vehicle to gain access.

5. The proposed lot will serve employees of the Library of Congress annex at 214 Massachusetts Avenue, N. E., approximately one block from the subject site.

6. There is a lack of parking spaces in this area to serve both residents and employees.

7. The hours of operation of the lot will be from 7:30 to 4:30 p.m.

8. Residents of the square objected to the traffic congestion in the public alley, and principally the 10 foot wide alley adjacent to the east end of the parking lot.

9. All areas devoted to driveways, access lanes, and parking areas are paved with materials which form an all weather impervious surface.

10. The parking lot is so designed that no vehicle or any part thereof projects over any lot line or building line.

11. No other uses are conducted from the parking lot and there will be no structures on the lot.

12. No vehicular entrance or exit is within 25 feet of a street intersection.

13. The Zoning Regulations limit the uses which can be made of an alley lot. Permitted uses include parking and a warehouse, both of which require Board of Zoning Adjustment approval.

14. The Capitol Hill Restoration Society opposed the application on the grounds that the lot was being used illegally, that traffic congestion was impacting the alley and that the past maintenance of the property has been poor. The Society did suggest that if the Board granted the application, six (6) specific conditions be attached to the approval.

15. The Municipal Planning Office, by report dated January 16, 1976 recommended that this application be granted subject to conditions relating to landscaping, access and hours of operation.

16. At the request of the Board, the applicant submitted a proposed parking layout for 17 spaces, all of which are completely accessible.

CONCLUSIONS OF LAW AND OPINION:

On the basis of the foregoing Findings of Fact, the Board concludes that the accessory parking lot meets all of the requirements of Paragraph 3104.43 and Article 74 of the Zoning Regulations. The Board concludes that the parking spaces are so located that they will not become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions. The parking lot will

serve a necessary and convenient function to the commercial uses in the area and alleviates traffic and parking conditions in the immediate neighborhood. The Board further concludes that a property owner should be given some reasonable use of his property. The Board concludes that a parking lot would be less objectionable to the area than a small warehouse, which is also permitted. It is therefore Ordered that the above application be GRANTED subject to the following conditions:

1. The applicant shall erect a chain link fence 42" high along the ten (10) foot alley on the eastern side of the property.
2. The number of parking spaces shall not exceed 17, with the layout to be as shown on the plat contained in the record, dated March 18, 1976, marked as exhibit "1 P. H."
3. The applicant shall comply with all provisions of Sub-section 7104.1.
4. This approval shall be limited to a period of five (5) years.

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

ATTESTED By: \_\_\_\_\_

STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: APR 7 1976

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 ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.