

Before the Board of Zoning Adjustment, D. C.

Application No. 12121, of the National Shrine of Immaculate Conception, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to permit the continuation of a parking lot in the R-5-A District at the premises 300 Michigan Avenue, N. E., (Parcel 121/22) (ANC No. 4D).

HEARING DATE: May 19, 1976

DECISION DATE: May 25, 1976

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District.
2. The subject property is presently used as a parking lot under BZA Order No. 10609 with Certificate of Occupancy No. B-79491.
3. The applicant proposes to continue the present use of the property as a parking lot.
4. On January 21, 1976, this application was referred to the Department of Transportation for review and report. Pursuant to Section 7608 of the Regulations. "where these regulations provide for the referral of an application to another public agency for review and report, a period of 40 days from the date of such submission shall be allowed, unless a different period is specifically stated in these "Regulations". The Board finds that it has no obligation to wait further for a report of the Department of Transportation.
5. There was no opposition registered at the public hearing to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that the continuation of this parking lot will not create any dangerous or otherwise objectionable traffic conditions, that the present character and future development of the neighborhood will not be adversely affected, and that the lot is reasonably necessary and

convenient to other uses in the vicinity.

The Board orders that the above application be GRANTED for a period of five (5) years subject to the following conditions:

a. Permit shall issue for a period of five (5) 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.

b. All areas devoted to driveway, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

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 on 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.

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 structures are 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 buildings shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

i. The Board reserves the right to direct revocation

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of the occupancy period upon a proper showing that any terms or conditions of this Order have been violated.

VOTE:

5-0 (Leonard L. McCants, William F. McIntosh, Lilla Burt Cummings, Esq., and William S. Harps to grant, Theodore F. Mariani to grant by proxy).

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

ATTESTED BY:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER: June 29, 1976

THAT THE ORDER SHALL BE VALID FOR A PERIOD 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 FROM THE EFFECTIVE DATE OF THIS ORDER.