

Before the Board of Zoning Adjustment, D. C.

Application No. 12225 of the Ramsey, a Limited Partnership, Harriette T. Small, National Paint and Coatings Association, Murray Levine Enterprises, Inc., Della Mae Shimmel, and Edna Kelly, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception to continue use of a parking lot, as provided by Paragraph 3104.44 of the regulations, in the R-5-B District, at the premises 1520 "O" Street, N. W., Lots 68, 69, 816, 817, 818, 819, 820, 821 and 833, Square 195.

HEARING DATE: November 17, 1976

DECISION DATE: November 30, 1976

FINDINGS OF FACT:

1. The subject property is located in a R-5-B District.
2. The parking lot consisting of Lots 68, 69, 816, 817, 818 and 819, Square 195 is presently operating under Order of the Board. As to those lots the application is a request for a continuance.
3. As to Lots 833 and rear of Lots 820 and 821 applicant seeks permission to expand the existing parking lot.
4. Lot 833 is a small unimproved lot. Lots 820 and 821 have apartment structures on them with their rear yards abutting the previously approved parking lot.
5. The application requests that these required rear yards be included in the parking lot operation. To include the rear yards would require a variance from the lot occupancy and rear yard provisions of R-5-B zoning districts.
6. The parking lot is comprised of a number of smaller lots which are owned by seven different owners. Any sizeable development is precluded unless the lots are assembled.
7. The existing parking lots partially service a hotel and a business. The bulk of the business is from the customers who park there on a fee basis.

8. Opposition to the application was voiced by the Dupont Circle Citizens Association, the Dupont Circle Advisory Neighborhood Commission and ANC 2B02 on the grounds that said parking does not significantly serve the needs of neighborhood residents and is detrimental to the residential character and development of the surrounding neighborhood.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the continuance of the parking lot as constituted and approved under prior BZA Order No. 11356 shall result in no dangerous or otherwise objectionable traffic conditions. The present character and future development of the neighborhood will not be affected adversely and that the parking lot is reasonably necessary and convenient to other uses in the vicinity. Accordingly, it is ORDERED that the application as to lots 68,69,816,817,818 and 819, Square 195 be GRANTED for THREE (3) YEARS subject to the following CONDITIONS hereinafter listed. The application as to Lots 833 and rear of Lots 820 and 821 is DENIED.

- a. Permit shall issue for a period of three (3) years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- b. All areas devoted to driveways, 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 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.
- i. The appellant shall install some kind of protecting wall or rail to stop the automobiles before hitting the adjacent walls.

Permit shall not issue until all conditions of this Order are met and complied with, and further, the Board reserves the right to direct revocation of the permit upon a proper showing that any terms or conditions of this Order have been violated.

VOTE:

3-0 (William S. Harps, William F. McIntosh and Leonard L. McCants, Esq., by proxy)

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

ATTESTED By:



ARTHUR B. HATTON

Executive Secretary