

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12248 of Mrs. Adolph Dennison, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the strict application of Paragraph 4502.410 (parking lot prohibition) or in the alternative, pursuant to Sub-sections 8207.2, 7102.1 and 3104.44, to continue a nonconforming use. Specifically, the applicant wishes to continue a parking lot approved by the Board when the property was R-5-B. The property is in the CR District at the rear of 2114 N Street, N.W., Lot 172, Square 70.

HEARING DATE: March 16, 1977
DECISION DATE: September 7, 1977

FINDINGS OF FACT:

1. The subject property is located in a CR Zone District.
2. The applicant proposes the continuation of a parking facility that was last approved by this Board pursuant to Order No. 10825, dated July 20, 1971. At the time of Order 10825, this property was zoned R-5-B. Pursuant to Zoning Commission Order 109, dated December 23, 1974, this property was rezoned to CR. A parking lot is prohibited in a CR District, pursuant to Paragraph 4502.410.
3. The applicant proposes the continuation of a parking facility. Pursuant to Sub-section 4502.5 of the Zoning Regulations, "All uses in existence on the effective date of the designation of a CR District which have a valid certificate of occupancy and uses intended to occupy a building or structure for which a valid certificate of occupancy has been issued, and which are prohibited in a CR District under Sub-section 4502.4 shall be considered as non-conforming uses and shall be governed by the applicable provisions of Article 71".
4. Pursuant to Sub-section 7102.1, "any non-conforming use of a structure or of land, or any non-conforming structure lawfully existing on the effective date of these Regulations which remains non-conforming, and any use or structure which shall become non-conforming on the effective date of these Regulations or any subsequent amendment thereto may be continued, operated, occupied, or maintained subject to the provisions of this Article".

5. The Board, therefore, is considering this application for a special exception to allow for the continuation of a non-conforming use, rather than as a variance.

6. The parking lot is approximately 4,000 square feet in area, can accommodate approximately 25 cars, and is bounded on three sides by public alleys. The remaining side abuts the building located at the rear of 2114 N Street, N.W.

7. The general area is characterized by a variety of commercial and residential uses. The parking lot is used by customers of the various commercial facilities in the area, on a long term basis by residents and employees of the area and in the evening by guests of residents of the area.

8. The lot is a lighted, attended commercial parking lot.

9. The Department of Transportation, by report dated April 26, 1977 found the lot to be very well maintained, and recommended a four (4) year approval.

10. The Municipal Planning Office, by report dated November 17, 1976, found the lot in compliance with BZA Order No. 10825, and recommended approval.

11. There was opposition to the granting of this application as a variance by the North Dupont Community Association. The association did not oppose the granting of the application as a special exception which the Board could review and impose conditions upon.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that this parking facility which was first approved under R-5-B zoning should be treated as a non-conforming use, and can be considered as a special exception as provided by the Zoning Regulations. The Board concludes that this facility serves the needs of the surrounding neighborhood, that the use does not adversely affect the present character or future development of the neighborhood, and that continuance of this use will not create any dangerous or otherwise objectionable traffic conditions. It is therefore ORDERED that this application is hereby GRANTED as a continuation of a non-conforming use for a period of three (3) years subject to the following CONDITIONS:

- 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 a use or structure 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 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.

VOTE: 3-0 (Walter B. Lewis, William F. McIntosh and Leonard L. McCants).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 SEP 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS 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.