

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12263 of Norair Realty Company, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to continue a parking lot as provided by paragraph 3104.44 of the regulations in the R-5-B district at the premises 1123 and 1124 23rd Street, N.W. (Square 51, Lots 61 and 36.)

HEARING DATE: December 15, 1976

DECISION DATE: December 21, 1976

FINDINGS OF FACT:

1. The property is located in a R-5-B district.
2. The application is to establish a special exception. The two lots are to be combined with the previously approved lots in Application No. 11336.
3. The Certificate of Occupancy issued under Application No. 11336 will expire on October 19, 1978.
4. The lot is utilized by area residents, patrons of nearby commercial establishments and commuters.
5. The curb in the public space on 23rd Street, N.W., has been damaged by automobile traffic and no wheel stops or curbs have been installed.
6. The lines marking off parking areas on the lot abutting 22nd Street, N.W. extend into the public space.
7. The D.C. Municipal Planning Office recommends approval of the application subject to correction of the conditions in Findings 5 and 6 above, and consolidation of the exception with the exceptions granted under Application No. 11336.

CONCLUSIONS OF LAW AND OPINION

The Board concludes that the parking lot is reasonably convenient to the residential apartments and commercial facilities located in the immediate vicinity of the site. The Board concludes that the use has not resulted in any dangerous or objectionable traffic conditions, and will likely not so result in the future. The Board concludes that the present character and future development of the neighborhood will not be adversely effected. It is



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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ORDER

1. By Board of Zoning Adjustment Order No. 12263, dated April 20, 1977, the Board GRANTED this application. The Order is scheduled to expire on October 19, 1978.
2. The Dupont Circle Citizens Association appealed the Order to the District of Columbia Court of Appeals.
3. By JUDGMENT, dated August 16, 1978, the Court of Appeals REVERSED and REMANDED the Order to the BZA for further proceedings consistent with it's opinion.

Accordingly, it is ORDERED that BZA Order No. 12263, dated April 20, 1977, is HEREBY VACATED. Pursuant to the Order of the Court, the application is DENIED, and the Zoning Regulations Division of the Department of Housing and Community Development is hereby requested to insure that the present illegal parking use is terminated forthwith.

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 OCT 1978