

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12419 of Louis Burman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception (Paragraph 4104.41) to continue a parking lot in the SP District at 1435 Massachusetts Avenue, N.W., Square 212, Lots 833,808 and 809.

HEARING DATE: May 24, 1977
DECISION DATE: June 7, 1977

FINDINGS OF FACT:

1. The subject property is located in an SP Zone District.
2. This property is currently operating as a parking facility pursuant to this Board's previous Order 11789 dated May 13, 1975. Certificate of Occupancy B-93665 was issued to authorize this use.
3. The applicant proposes the continuation of a parking lot for approximately three years, at which time the applicant plans to construct an office building pursuant to SP Zoning.
4. This parking facility was first permitted by the Board on December 21, 1959, pursuant to Order 5776.
5. This lot serves the surrounding neighborhood which is composed of offices, institution and apartment uses.
6. The Department of Transportation, by report dated May 13, 1977 recommended a four year approval of this application.
7. The Municipal Planning Office by report dated June 20, 1977, recommended a four year conditional approval of this application.
8. There is no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

This application, under Paragraph 4101.41 of the Zoning Regulations, requires that the Board determine that such use is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions and that the present character and future development of the neighborhood will not be adversely affected by the use.

Based on the testimony and the report from the government agencies the Board concludes that the applicant, has complied with Paragraph 4101.41. The Board further concludes that the proposed use, with proper control, will not adversely affect the present character or further development of the area. The Board further concludes that the proposed use is in harmony with the meaning and intent of the Zoning Regulations and maps.

Its therefore ORDERED: That the above application be GRANTED subject to the following conditions:

- a. Permit shall be issued for a period of two (2) 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 driveways, access lanes and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- 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. Landscaping plans must be approved by the Department of Highways and Traffic.

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 or confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon proper showing that any terms or conditions of this Order have been violated.

VOTE: 4-0 (Walter B. Lewis, Charles Norris, William F. McIntosh, Leonard L. McCants, Esq.)

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

21 JUL 1977

THAT THE 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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.