

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12572, of Carrie Notes Dorman and Issac Notes, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue the use of a parking lot in the R-3 District at the premises rear of 5103 Georgia Avenue, N.W., (Square 3002, Lot 809).

HEARING DATE: January 25, 1978
DECISION DATE: February 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the north side of Gallatin Street between Georgia Avenue and 9th Street at the rear of 5103 Georgia Avenue, N.W., and is in an R-3 District.

2. By Board's Order No. 10712, dated April 21, 1971, the Board granted conditionally the establishment of the subject parking lot for a period of one year. By BZA Order No. 11146, dated December 14, 1972, the Board granted conditionally the continued existence of the parking lot for five years.

3. Lot 809 is approximately 16,975 feet in area. It is paved, lined and is enclosed by a chain link fence approximately three feet high.

4. Approximately fifty-six cars can be accommodated on the lot. Access to the lot is from Gallatin Street, N.W. The site is bordered on the remaining three sides by twenty foot wide public alleys.

5. The lot is used exclusively by employees and business visitors of C&P Telephone Company. The company's building is located on Gallatin Street, N.W., across from the subject property.

6. The parking lot is adjacent to the C-2-A District along Georgia Avenue, N.W., and is located entirely within 200 feet of this district.

7. The subject property has been kept clear and free of trash and debris, and is exceptionally well maintained.

8. The subject lot is used solely by the Chesapeake & Potomac Telephone Company pursuant to a sublease agreement between C&P Telephone Company and the Marriott Corporation entered into March 1, 1971. Marriott assigned all right, title and interest under the sublease agreement to Perpetual Federal Savings and

Loan Association, effective September 26, 1977 for a period of ninety-four years.

9. The Board, at the Public Hearing, because of the aforementioned assignment of ninety-four years, waived Rule 3.5 of the Supplemental Rules of Practice of Procedure requiring the presence of the owner of the real property at the public hearing of the application.

10. The use is reasonably necessary and convenient to the neighborhood and it is so located and all facilities thereof so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. The C&P office, which is serviced by the subject lot, is located in a C-2-A District but is surrounded by single-family residential and apartment uses. Prior to the sublease agreement with Marriott, C&P employees and visitors parked on the surrounding neighborhood streets. The parking lot is thus necessary and convenient to the neighborhood because it provides more than fifty parking spaces for the private automobiles of employees and business invitees of the C&P Telephone Company who might otherwise find it necessary to park in the surrounding residential neighborhoods.

11. Traffic from the parking lot has no adverse impact on the surrounding uses. The C&P office on Gallatin Street is open twenty-four hours daily and employs a total of seventy-three employees who work in shifts. The greatest concentrations of traffic activity occur at 8:a.m. when employees report to work and at 5:p.m. when they depart. Between those hours traffic activity is relatively light and consists largely of visitors. During the evening hours there are only approximately seven employees at work.

12. The Municipal Planning Office, by report dated January 20, 1978 recommended that the application be approved for a period of four years on the grounds that the lot is both reasonably necessary and convenient to the neighborhood and is not likely to become objectionable to adjoining or nearby properties.

13. There was no opposition to the granting of the application.

14. Advisory Neighborhood Commission 4D filed no report on the application.

CONCLUSIONS OF LAW:

The Board notes that this parking lot is located entirely within 200 feet of a commercial district and is separated from the commercial area by an alley. The lot is well maintained and appears to be in compliance with the conditions of the Board's previous Order. It is the Board's opinion that this lot is both reasonably necessary and convenient to the neighborhood and is not likely to become objectionable to adjoining or nearby properties.

The Board concludes that the granting of the special exception will be in harmony with the general purposes and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. Accordingly it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of FIVE YEARS which will 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.

- 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. Use shall be limited to the parking of private automobiles only, no trucks.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris,
William F. McIntosh and Leonard L. McCants)

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 24 FEB 1978

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.