

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12580 of Gertrude A. Levy, et al, 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 3053 M Street, N.W., Square 1209 Lots 872 & 894.

HEARING DATE: March 15, 1978
DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-3 Zone District at 3053 M Street, N.W. The lot is located in the middle of the square bounded by M, 31st, N and 30th Streets, N.W., and has only sixteen feet of frontage on a public street.
2. The subject property is presently used as a parking facility pursuant to this Board's previous Order No. 11144, dated January 4, 1973.
3. The applicant proposes the continuation of this property as a parking facility.
4. This parking lot was first established in August of 1958, BZA Order No. 5103. This facility has been continued by BZA Orders 6269, 9123, 9220 and 11144.
5. The subject site is approximately 13,778 square feet in area with the entrance from M Street by way of a sixteen by 100 foot driveway. The remaining sides of the facility are enclosed by a retaining wall and wooden fences which serve to screen the lot from surrounding uses.

6. The Municipal Planning Office by report dated February 10, 1978, recommended a four year conditional approval of the application. The MPO reported and the Board finds that the lot is well maintained and in compliance with the Board's prior orders.

7. The lot serves the needs of the surrounding neighborhood by providing parking for the customers and employees of the commercial facilities located on M Street.

8. The Department of Transportation by report dated February 13, 1978, recommended approval of the application not to exceed four years.

9. There was no Advisory Neighborhood Commission report on this application.

10. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings and the evidence of record, the Board is of the opinion that the continuation of this parking facility will not create any dangerous or otherwise objectionable traffic conditions. The Board further concludes that the present character and future development of the neighborhood will not be adversely affected. The lot is reasonably necessary and convenient to the community which it serves. It is therefore ORDERED that this application is hereby GRANTED subject to the following conditions:

a. Approval shall be 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 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-water 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 and 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. No commercial trucks or vehicles shall be permitted to park on the lot.

j. Landscaping plans must be approved by the Department of Highways and Traffic.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith 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: _____

21 APR 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.