

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12605, of Eugene L. Bernard, trustee, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue use of a parking lot for five years in the R-5-D District at the premises 2140-2142-2144 "L" Street, N.W., (Square 73, Lots 44 and 864-868).

HEARING DATE: March 15, 1978

DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located on the south side of L Street between 21st and 22nd Streets, N.W., and is in an R-5-D District.
2. The area of the subject lot is approximately 6,233 square feet. It has marked spaces for twenty automobiles but a capacity for thirty cars.
3. Adjacent to the east is a two story row structure which appears to be devoted to residential use. An auto body repair shop is located just east of the row dwelling at 2134 L Street N.W. On the west are three row structures one of which is vacant. A commercial parking lot occupies the southeastern corner of 22nd and L Streets, N.W. Two thirty-foot wide public alleys adjoin the parking lot at the rear. Behind the subject property is a large office building which fronts on K Street, N.W.
4. The northwestern corner of Square 73 is zoned R-5-D. The remainder of the Square is zoned C-3-B. The R-5-D zoning generally extends along New Hampshire Avenue, between N Street to the north and Virginia Avenue to the south; CR, C-2-B, and R-5-B Districts are all found west of New Hampshire Avenue within two blocks of this site. R-5-C zoning exists south of K Street and Pennsylvania Avenue and includes the campus of George Washington University.
5. Lot 44 was first approved for commercial parking use by the Board in 1964, BZA Order No. 7554, dated June 26, 1964. BZA Order No. 9966, dated May 1, 1969, permitted commercial parking on Lots 44 and 864-868. The most recent BZA Order for this property granted a continuation of the parking lot for a period of three years, BZA Order No. 11614, dated February 27, 1975.

6. The parking lot is a commercial lot. An attendant's shelter is located on the property. Access to the lot is from L Street, N.W.

7. The lot is paved, has wheel stops at the perimeter of the lot, and a metal guard rail adjacent to the row structure to the east. At the time of site inspection by the Municipal Planning Office, the lot was free of trash and debris and appears to be well maintained.

8. Over a period of fifteen years, the applicant has acquired most of the properties in this corner of the square at 22nd L Streets; all but three houses have been acquired. The applicant stated and the Board finds that the property can be developed as a whole unit and for the purpose for which the land is zoned, only if the auto body works are removed and only if the three remaining residences are required. This is the goal of the applicant, and he hopes to accomplish it in three years.

9. The Municipal Planning Office, by report dated March 9, 1978, recommended approval of the application on the grounds that it does not appear that any dangerous or otherwise objectionable traffic conditions will result from the continued operation of this lot nor does it appear that the present character or future development of the neighborhood will be adversely affected. The parking lot serves the needs of the office workers in the immediate area. The Board so finds.

10. The Department of Transportation, by report dated March 6, 1978, recommended that a permit be granted for no longer than a four-year period at which time a reapplication would be reevaluated to determine the accessibility by transit of the facilities served by this parking lot.

11. Advisory Neighborhood Commission 2A, objected to the granting of the application on the grounds that the subject area borders on the New Hampshire Avenue residential corridor. Secondly, the ANC urged the Board to deny the application since the ability to make money by carrying this property as a parking lot only encourages the owner to continue to assemble more property in the hope that in some future date he can apply for a zoning change. The ANC also felt that the lot undermined the residential character of the area.

12. The West End Citizens Association objected to the granting of the application on the grounds cited by the ANC.

13. As to the issues and concerns of the ANC, the Board finds that the subject site is located in a transition area; that is, the area to the south and east is primarily commercial in nature including the major part of the subject square, and the area to the west and north along New Hampshire Avenue is primarily residential in nature. The Board finds that this lot is not a part of a residential corridor along New Hampshire Avenue; it has been used for parking since 1966 and it in fact has no frontage on New Hampshire Avenue. The Board finds that whether or not a property owner can make money by using a property as a parking lot, or make more money than by using it for something else, is not relevant to the finding the Board has to make regarding conformance to the requirements of the Zoning Regulations.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the operation of the lot has not created dangerous or objectionable traffic conditions and that the continuance of this parking lot for a limited period will create no dangerous or otherwise objectionable traffic conditions nor will the present character and future development of the neighborhood be affected adversely. The subject lot at present is reasonably necessary and convenient to other uses in the vicinity. The Board concludes that as the availability of mass transit increases with the opening of more metrorail routes, it will be appropriate to review parking lots to determine if they are still reasonable necessary. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of two years which shall be subject to renewal at the discretion of the Board upon the filing of a new application in the manner prescribed by the Zoning Regulations.
- b. The applicant shall comply with all the conditions of prior BZA Order No. 11614, dated January 29, 1975.

- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- e. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- f. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- g. 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. 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 structures or otherwise permitted in the Zoning District in which the parking lot is located.
- i. Any lighting used to illuminate the parking lot its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

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

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

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.

FINAL DATE OF ORDER: _____

28 APR 1978

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12606 of Georgetown Associates Limited Partnership and Georgetown Development Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against parking within ten feet of the wall of a multiple dwelling which has openings for light and ventilation (Paragraph 7205.22) to permit a five story addition to an existing apartment house in the W-1 District at 1024 Wisconsin Avenue, N.W., (Square 1188, Lot 119).

HEARING DATE: March 15, 1978

DECISION DATE: April 5, 1978

DISPOSITION: The Board GRANTED the application by a Vote of 5-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to GRANT).

FINAL DATE OF ORDER: May 17, 1978

ORDER

Upon consideration of a Motion for Reconsideration filed by the Citizens Association of Georgetown, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support the motion. It is therefore Ordered that the motion for Reconsideration is DENIED.

DECISION DATE: May 31, 1978

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 JUN 1978