

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12624, of Norair Realty, pursuant to Sub-Section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot in the R-5-B District at the premises 1117-1123 23rd Street, N. W. (Square 51, Lots 61, 813 and 868).

HEARING DATE: April 19, 1978

DECISION DATE: May 3, 1978

FINDINGS OF FACT:

1. The subject lots are located on the east side of 23rd Street between "L" and "M" Streets, N. W. The property is in an R-5-B District.

2. The major portion of the subject Square 51 is zoned C-2-B, including abutting property to the south and property across the alley to the north. There are two small areas of R-5-B zoning located in the middle of the square. The R-5-B area which has frontage on 23rd Street, includes the subject parking lot.

3. The subject lot is bounded on the north and east by public alleys. To the south of the lot is Tinker's Restaurant and the West End Circle Theater. Various commercial establishments are found along "M" Street and two large apartment buildings are located at New Hampshire Avenue and 22nd Street.

4. By BZA Order No. 10722, dated August 13, 1971 the Board granted permission to operate a parking lot on Lot 868 (formerly lots 811 and 812) and lot 813 for one year. The Board granted the continuance of these lots for parking for a five year period by BZA Order No. 11224, dated February 3, 1973. Lot 61 and 36 were last continued by BZA Order No. 12263, dated April 20, 1977, to expire October 19, 1978. Lots 813 and 868 are operated in conjunction with lots 61 and 36.

5. Lots 813 is contiguous with lot 61 and the three lots together compose all of the R-5-B property fronting on 23rd Street. The applicant has included lot 61 in this application for a continuance.

6. The subject lot is approximately 7,600 square feet

in area and can accomodate approximately forty-five cars.

7. The lot is an attended commercial lot and serves commuters and the various commercial activities in the area.

8. The lot is paved, lined and has coping installed. It is well maintained and complies with the conditions of the Board's previous order.

9. The applicant testified that there is a long range development plan for the subject property but that there are no immediate plans.

10. The applicant testified that he had not received any complaints concerning the operation of the parking lot in the last five year period.

11. The Municipal Planning Office, by report of April 14, 1978, recommended that the application be approved on the grounds that the lot does not present dangerous or objectionable traffic conditions in the neighborhood nor does it adversely affect its present character or future development and the Board so finds.

12. The Department of Transportation, by memo of April 20, 1978, recommended approval of the application, for no longer than a four year period, at which time DOT would reevaluate a reapplication to determine the accessibility by transit of the facilities served by this parking lot.

13. There was no recommendation filed by Advisory Neighborhood Commission 2-A on this application.

14. The Dupont Circle Citizens Association and the North Dupont Community Association opposed the application stating that parking lots in residential districts are a blight to the Dupont Cirle area and also on the grounds that parking lots are intrusions which are allowed to take place on a piecemeal basis and eventually lead to the destruction of the neighborhood as a residential community.

15. As to the concerns of the opposition, the Board finds that even though this property is zoned residential, it is surrounded on two sides by commercially zoned land. The site is now vacant, and is actually being used as a parking lot under order of the Board. The Board finds that this particular lot will have no blighting effect on any adjoining properties, which could be used for parking as a matter-of-right.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings and the record the Board concludes that the subject lot is reasonably necessary and convenient to other uses in the vicinity, that no dangerous or otherwise objectionable conditions have resulted or would result from this lot and that the present character and future development of the neighborhood will not be adversely affected. The Board further concludes that the subject parking lot will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps. Therefore it is ORDERED that this application is GRANTED subject to the following CONDITIONS:

- a. Approval shall be for a period of **THREE YEARS** which may be renewed at the discretion of the Board upon the filing of a proper application.
- 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 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.
- 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.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant, Walter B. Lewis not voting, not having heard the case).

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

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 22 JUN 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.