

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12712 of SJG Properties, pursuant to Sub-section 8207.2 of the Zonign Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot in the R-5-B District at the premises 1747 "P" Street, N.W., (Square 156, Lots 843 and 58).

HEARING DATE: July 26, 1978
DECISION DATE: August 2, 1978

FINDINGS OF FACT:

1. The subject site is located in an R-5-B District and is on the north side of "P" Street between 17th and 18th Streets, N.W., and is known as 1747 "P" Street, N. W.

2. The applicant requests permission to continue the use of the subject lot as a commercial parking lot.

3. The subject site has operated as a parking lot for approximately sixteen years.

4. The Board of Zoning Adjusment granted permission for the establishment of the subject site as a parking lot by BZA Order No. 6855, dated July 24, 1962.

5. The last approval for the continuation of a parking lot was granted for a period of one year by BZA Order No. 12285 dated January 12, 1977. No Certificate of Occupancy was applied for following the issuance of that Order, and the approval lapsed.

6. The applicant purchased the subject property in 1975. In 1974, the zoning had been changed by the Zoning Commission from SP to R-5-B. The seller was to petition the Court to reverse the decision of the Zoning Commission and have the property rezoned to a SP District within five years from the purchase. The appeal has been heard by the Court of Appeals but no Order has issued as of the date of the Public Hearing. The applicant intends to cease the use of the site as a parking lot when the matter of the zoning is decided by the Court and definitive plans for a use of the site that is appropriate to the zoning can be prepared.

7. The lot can accomodate sixty cars. Approximately one-third of the spaces are rented for all day parking, two-thirds of the spaces are currently used on a short term basis throughout the day.

8. The lot is open from 7:30 a.m. to 6:30 p.m. and is attendant operated. At the close of the day and on weekends the lot is left open for use by the community residents.

9. The operator of the lot testified that one complaint had been received as to the collection of several bags of trash that were on the lot. The bags have since been removed from the lot.

10. The Municipal Planning Office made a site inspection of the site and found it to be in general compliance with the previous Order with the exception that there were no wheel stops on the alley side of the parking lot. The applicant stated that he was not aware that wheel stops should have been positioned on the alley side. However wheel stops are provided on the other sides of the property.

11. The Department of Transportation, by memorandum dated July 18, 1978, voiced no opposition to the application and recommended that approval be for not more than four years at which time it would reevaluate the application to determine the accessibility by transit of the facilities served by this parking lot.

12. Several letters were received into the record from property owners and tenants of the immediate neighborhood, who were in favor of the application on the grounds that it served the neighborhood and that it was well maintained.

13. The Dupont Circle Citizens Association opposed the application. It argued that the previous grant for one year, BZA Order No. 12285, was intended to limit the use of the subject lot as a commercial parking lot to one year regardless of the pending Court opinion and that the applicant would go forward in constructing residential uses on the site after the one year had expired. The Board does not concur with the argument of the Dupont Circle Citizens Association. The Board in granting a one year extension did not intend that the applicant could not reapply at the expiration of the year. The one year grant was made in anticipation that the Court challenge to the zoning would be decided during that time. Once the Court acts the Board is aware of the further steps the applicant would have to make in terms of financing and planning

for development of the site and that the subject lot should not remain vacant and unused during that time.

14. Dupont Circle Advisory Neighborhood Commission 2C voted unanimously to oppose the application. It stated that the continuation of a commercial parking lot in a residential neighborhood is detrimental to the growth and development of the neighborhood. The subject lot created air pollution and traffic congestion and that the site was well served by metrorail and metrobuses.

15. The Board is required by statute to give great weight to the issues and concerns of the ANC. The Board finds that the use of the subject lot is a temporary use and that the applicant intends to cease such use when the issue of the proper zoning for this site is determined. The contingent nature of the applicant's contract on this property has two more years to run in any event. The Appeal has been heard by the Court. The Board does not find it unreasonable to extend the present use for a period of one year, as hereinafter imposed, at which time the whole issue can be reevaluated at the time of the reapplication, if any.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes, that no dangerous or otherwise objectionable traffic conditions shall result from the continuation of this temporary commercial parking lot; that the present character and future development of the neighborhood will not be affected adversely and that the parking lot is reasonably necessary and convenient to other uses in the vicinity. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

- a. Approval shall be for a period of ONE YEAR from the date of this Order 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 (Charles R. Norris, Chloethiel Woodard Smith, Theodore F. Mariani, and William F. McIntosh to grant; Leonard L. McCants not present, not voting).

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 11 SEP 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.