

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12744 of United National Bank of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7613.12 to operate a parking lot in the R-5-A District at the premises 1400 Montana Avenue, N.E., (Square 4023, Lot 1).

HEARING DATE: September 20, 1978

DECISION DATE: September 20, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The application was advertised as being in the R-5-B District. The property is in the R-5-A District. This error has no effect in the consideration of the application, since the standard governing the application was the same regardless of the zone.
2. The subject site is triangular in shape and bounded by Evarts Street, Saratoga Avenue, and Montana Avenue, N.E. A portion of the property is zoned R-5-A and a portion is zoned C-2.
3. Approximately one hundred feet of the property is in the R-5-A District. The Bank has been using a thirty five foot strip of the one hundred foot strip as a parking lot.
4. The applicant proposes the continuation of accessory parking solely for the Bank on the subject premises.
5. The applicant was granted permission to operate the parking lot by BZA Order No. 11806, dated January 6, 1975. A continuation of the use was granted by the BZA Order No. 12345, dated May 27, 1977. The applicant failed to secure a certificate of occupancy within the designated time period from the date of the Order, Case No. 12345 and approval lapsed. The application is in the nature of a reinstatement of the various orders.
6. In regard to the requirements of Paragraph 7613.12, the use as accessory parking will be extended no more than thirty five feet into the R-5-A District. There is no increase in the floor area ratio for the C-2-A section of the lot. There will be no adverse effect in the present character or future development of the neighborhood, which is enhanced by the manner in which this parking lot is maintained.

7. The lot is paved and accommodates approximately twenty five cars.

8. A maintenance crew comes in once a week and maintains the grounds in a well manicured state.

9. The Department of Transportation by memorandum dated July 18, 1978 reported that no adverse impacts have been identified with the operation of the parking lot. Testimony from the applicant also supported the position and the Board so finds.

10. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION

Based upon the above Findings of Fact, the Board concludes that the subject accessory parking lot is necessary for the efficient operation of the United National Bank. The Board further concludes that the applicant has complied with the requirements of Paragraph 7613.12 of the Zoning Regulations and that the proposed use will not adversely affect nearby or adjacent property or impair the meaning and intent of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED subject to the following conditions:

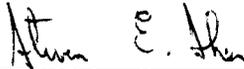
- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained 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: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith, Walter B. Lewis and Leonard L McCants to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

20 OCT 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.