

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12775 of Milton and Adele Isen, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-paragraph 3101.411 for permanent accessory parking or in the alternative, under Paragraph 3101.48 for accessory parking for a period of ten years in the C-2-A and R-3 Districts at the rear of premises 2332-2338 Wisconsin Avenue, N.W. (Square 1300, Lot 815).

HEARING DATE: October 18, 1978
DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject site is 15,152 square feet in area, fronts along Wisconsin Avenue and is known as 2332-2338 Wisconsin Avenue. The lot is a through lot, which also has frontage on 37th Street, N.W.
2. The subject site is split zoned between the C-2-A district which fronts along Wisconsin Avenue, and the rear portion along 37th Street which is R-3.
3. The applicant seeks alternative relief under Paragraph 3101.411 or Paragraph 3101.48 to continue the use of a parking lot as an accessory use.
4. The lot is located in the R-3 portion of the site at the rear of the stores which front on Wisconsin Avenue. Access to and from the lot is from 37th Street only; there is no access to or from Wisconsin Avenue.
5. The subject lot has been in existence since 1941. The Board most recently approved the lot for two years under BZA Order No. 12213, dated November 21, 1976.

6. The subject lot is a non-attendant lot, is paved with an impervious surface and can accommodate twenty four cars.

7. The parking lot is contiguous to and located entirely within 200 feet of the C-2-A zone.

8. The parking lot serves the commercial stores fronting on Wisconsin Avenue. There is little off-street parking in the area and the subject parking lot is necessary to serve the needs of the commercial establishments and to reduce the demand for on-street parking in the area.

9. At the time of site inspection by the Municipal Planning Office the lot appeared well maintained and in compliance with the Board's previous order.

10. By report dated October 12, 1978, the Municipal Planning Office recommended that the application be conditionally approved for a period of five years. The MPO reported that the lot is reasonably necessary to the neighborhood and the abutting commercial outlets and is not likely to become objectionable to surrounding uses. The Board so finds.

11. By memorandum dated August 29, 1978, the Department of Transportation reported that it had reviewed the subject application and that no adverse impacts had been identified. The Board so finds.

12. Substantial support for the application was reviewed from the commercial interests in the neighborhood, stating that it was in the best interest of the community to provide off-street parking to protect the residential neighborhood and that the parking is essential for both the employees and customers of the commercial interests. The Board so finds.

13. A petition was submitted to the record that was signed by area residents in opposition to the granting of the parking lot for a period of ten years. However, the petitioners would find acceptable the granting of the application for a period of five years for less.

14. The Glover Park Citizens Association, by letter dated November 7, 1978 was opposed to the granting of the application for ten years. The Association would accept an approval for five years or less.

15. A property owner within two hundred feet was opposed to the granting of the application on the grounds that the applicant failed to maintain surrounding landscaping in an acceptable manner.

16. Advisory Neighborhood Commission 3B was notified as to the application but no recommendation was received.

17. At the public meeting of the Board of Zoning Adjustment on November 1, 1978, the Board tentatively approved the application pending the submittal of landscaping plans by the applicant for the Board's approval. By letter dated November 20, plans were submitted to the Board on November 22, 1978, marked as exhibit 40. These plans proposed retention of existing planting and the construction of a four foot high stockade fence. These plans were approved by the Board at the public meeting held on December 6, 1978.

CONCLUSIONS OF LAW AND OPINION:

Based upon the record and the above findings of fact, the Board is of the opinion that the subject lot is reasonably necessary and convenient to the commercial uses which it services and is located within two hundred feet of said commercial uses. The lot has existed since 1941 serving the commercial stores within the C-2-A District. Because there is virtually no other off-street parking to accommodate the customers and employees of the commercial uses the subject parking lot serves to help preserve the residential quality of the neighborhood. The Board concurs with the civic organizations of the neighborhood that ten years is too long a period of time to grant for this application because of the vast change which could occur in an area in that time period. The Board concludes that the subject parking lot is in harmony with the general purpose and intent of the zoning regulations and will not tend to adversely affect the use of neighboring property. According it is ORDERED that the above application be GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of five (5) 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. Screening and landscaping shall be as shown on Exhibit 40 of the record.
- 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 structure is otherwise permitted in the zoning district in which the parking lot is located.
- i. 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, John G. Parsons, Chloethiel Woodard Smith 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
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 25 JAN 1979

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.