

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12857 of Foggy Bottom Group Venture, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot in an R-5-D District at the premises 906½ New Hampshire Avenue, N.W., (Square 28, Lot 803).

HEARING DATE: March 14, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject site is located on the west side of New Hampshire Avenue, approximately eighty feet north of Eye Street and is known as 906½ New Hampshire Avenue, N.W. It is in an R-5-D District.

2. The site has a lot area of 2,943 square feet and is undeveloped except for a six foot high stockade fence across the front of the lot. Access to the lot is from an alley to the rear of the property.

3. The applicant is using the subject lot to park the cars of the employees of the Argentine air attache whose offices are in a building adjacent to the lot. A fee is charged. There is no Certificate of Occupancy to use the subject property as a parking lot.

4. To the north of the subject lot are row dwellings in an R-5-D District. To the east, across New Hampshire Avenue, is a parking lot for the use of the George Washington Hospital, and the Foggy Bottom Metro subway station, both in an R-5-D District. To the south are row dwellings in an R-5-D District. To the west are row dwellings and a thirty five foot alley, both in an R-5-D District.

5. The applicant proposes to use the subject site to park eight cars. There will be no attendant. The hours will be from 7:00 a.m. to 5:00 p.m. The lot will be closed at night.

6. Entrance and egress to and from the parking lot is from the alley to the rear of the site. There is no curb cut on the New Hampshire Avenue frontage.

7. In order to park on the subject site, vehicles must pass alley dwellings located on Snow's Court which is located in the center of the subject Square 28. These residents on Snow's Court have limited on-street parking under a neighborhood parking plan which limits parking during peak periods to two hours.

8. The subject site is 19.92 feet wide at its New Hampshire Avenue frontage and 24.9 feet wide at the Snow's Court frontage.

9. The autos are now parked tightly two abreast, end to end on the lot. There was testimony that the present parkers enter and leave the parking site at approximately the same hours each day.

10. The Office of Planning and Development, by report dated March 6, 1979, recommended that the application be denied on the grounds that the present character of the neighborhood will be affected adversely if this application were granted, and that the requested special exception will not be in harmony with the general purpose and intent of the Zoning Regulations. The Board so finds.

11. The application was referred to the Department of Transportation for its review and report. Its report was received after the Board had made a decision on this application, and is not a part of the record.

12. There were many letters on file in opposition to this application. Several witnesses who are owners of property in the immediate area appeared at the Public Hearing and testified in opposition to this application. There were no neighbors as a matter of record, in favor of the application.

13. Advisory Neighborhood Commission 2A opposed the application. The grounds for its opposition, as stated in the resolution of the ANC filed with the Board, and as presented by a witness for the ANC and other parties appearing at the hearing, are as follows:

- a. Favorable action by the Board of Zoning Adjustment would sanction an existing illegal commercial use.
- b. A pedestrian traffic hazard will be created due to the high speed of cars entering or leaving the lot.
- c. A parking lot is inconsistent with the surrounding residential uses.
- d. The area is well served by the Metrorail station and major bus lines within one block.
- e. The area's Residential Permit Parking Program would be circumvented by the approval of a parking lot on the premises.
- f. Noise and air pollution nuisances to adjacent residents would be increased and would therefore be inconsistent with the city's Air Quality Plan.
- g. Traffic through Snow's Court, a very narrow passage, would cause damage to buildings and shrubbery.
- h. There is but a single point for both entry and exit of the proposed traffic.
- i. The establishment of a new commuter parking lot at this site is contrary to the policies of the Department of Transportation.
- j. The parking space layout allows for no vehicular maneuvering within the parking lot area. It would be necessary to go into the adjoining public alley on Snow's Court and disrupt and inconvenience these alley dwellings.

The Board concurs in all the reasons listed by the opposition.

CONCLUSIONS OF LAW:

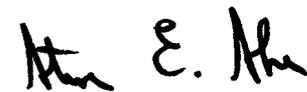
Based on the record the Board concludes that the applicant has not met the requirements of Paragraph 3104.44 of the Zoning Regulations. The Board notes the great opposition to this application as enumerated in Finding of Fact no. 13. The Board further concludes

that the establishment of the subject parking lot will create dangerous or otherwise objectionable traffic conditions, particularly in the public alleys of the square, that the present character and future development of the neighborhood will be affected adversely and that this parking lot is not reasonably necessary and convenient to other uses in the vicinity. The Board further notes that the subject site can be developed for a use consistent with its zoning. For all these reasons this application is DENIED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to deny).

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

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

3 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTR HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."