

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12929 of Leonard R. Viner, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in an R-4 District at the premises 704-712 Lamont Street, N.W., (Square 2892, Lots 61,62,906,867 and 869).

HEARING DATE: May 16, 1979
DECISION DATE: June 6, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of Lamont Street, N.W. between Georgia Avenue and Sherman Avenue, N.W. The property is zoned R-4 and is known as 704-712 Lamont Street, N.W.
2. The subject property is L-shaped, consists of five lots and is 7,300 square feet in area. A public alley borders the lots to the rear and to the east. Entrance and exit to and from the alley are via Lamont Street and Kenyon Street.
3. Row houses abut the property to the west. East of the alley, there is a tire company, a dry cleaning plant and a five story office building.
4. The subject site has been in operation as a parking lot for fourteen years. By BZA Order No. 11180 dated March 15, 1973, the applicant was granted a continuation of the parking lot for five years. Further continuation was granted by BZA Order No. 12741 dated November 2, 1978 for one year.
5. The subject parking lot presently serves Federal Government employees housed in a five story office building which is located directly across the subject site. There are nineteen regulation sized parking spaces on the lot. Neighborhood residents are allowed to use the parking lot during the day, evening or on the weekend, free of charge.
6. The applicant proposes to continue the use of the subject site as a parking lot for five years. The lease of the applicant's tenant terminates on October 31, 1983.
7. All areas devoted to driveways, access areas, and parking are paved with an all weather impervious surface.
8. The parking lot is so designed that no vehicle or any part thereof projects over any lot or building line.

9. No other use has been or will be conducted upon and no building will be erected upon the parking area.

10. There are and will be no commercial advertising signs located on the lot.

11. There has been and will be no dangerous or otherwise objectionable traffic conditions as a result of the operation of the parking lot. There are no curb cuts from the parking lot to the street, since access is provided through public alleys.

12. The parking lot is necessary as there is no off-street parking in the commercial district across the alley from 704 through 712 Lamont Street, N.W., as all available commercial zoning along Georgia Avenue is presently improved or is already used for commercial parking. Most of the commercial buildings along Georgia Avenue in this area have no off-street parking facilities.

13. The lot is a non-attendant lot and maintenance of the lot is the responsibility of the General Services Administration. In addition, the applicant testified that both the abutting property owner and an employee of the nearby laundry, help keep the lot free of trash and debris.

14. A letter from the Metropolitan Police Department Fourth District, stated that action was being taken on the applicant's complaints of littering, drinking, gambling and disorderly conduct on the subject property. The applicant indicated at the public hearing that the lot has been in a better condition than it previously has been.

15. All of the conditions stipulated in BZA Order No. 12741 were not complied with. The applicant testified that due to his illness and to the vagueness of one of the conditions, the landscaping and the clear delineation of the parking spaces were not complied with.

16. By memorandum dated May 25, 1979, the Department of Transportation recommended that the application be granted no longer than through the end of 1981 on the grounds that the lot is approximately one mile from the future Columbia Heights Metrorail Station and that the office would reevaluate the application to determine parking need as affected by the recently announced Federal Government policy to charge commercial parking rates to employees.

17. Advisory Neighborhood Commission 1A made no recommendation on the application.

18. There was no opposition.

CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the subject parking lot is reasonably located and necessary for the employees at the Government building across from the subject site. The Board concludes that the subject lot is so located that it is not likely to become objectionable to neighboring property owners because of noise, traffic or other objectionable conditions.

The Board also concludes that there will be no commercial advertising signs nor will the present character and future development of the neighborhood be adversely affected. The Board further concludes that although the granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps, the applicant has failed to fully comply with all the terms of the previous order, such as the marking off of the parking spaces and the landscaping of the subject lot. The Board notes that the applicant was ill and also did not have a clear understanding of the condition which requested the landscaping.

Accordingly, it is ORDERED that the application be GRANTED subject to the following CONDITIONS:

1. Approval shall be for a period of ONE year.
2. The applicant shall remove all asphalt and the railroad ties within five feet of the street line along Lamont Street, and create a landscaped strip along that Street. In that strip, the applicant shall plant privet hedges two feet on center with the remainder to be grass.
3. The applicant shall erect a six foot high wood stockade fence at the back side of the landscape strip. Wheel stops shall be provided on all parking spaces which abut the fence to prevent cars from damaging the fence.
4. The remainder of the surface of the lot is to be paved with an all weather impervious surface and is to be clearly marked for nineteen spaces.
5. All planting and the surface shall be maintained.
6. The applicant shall clean the lot and remove all the trash and debris prior to the issuance of a new Certificate of Occupancy. Thereafter, the applicant and/or his tenants shall be responsible to keep the lot clean and well-maintained on a daily basis.
7. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

8. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
9. 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.
10. 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.
11. 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: 3-0 (John G. Parsons, Chloethiel Woodard Smith and Charles R. Norris to grant, William F. McIntosh and Leonard L. McCants not voting, not having heard the case)

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

30 JUL 1979

UNDER SUB-SECTION 8204.2 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.