

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12985 of Larry D. Quillian, 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 318 - 324 6th Street, S.E., (Square 874, Lots 808, 34 and 35).

HEARING DATE: August 22, 1979
DECISION DATE: September 5, 1979

FINDINGS OF FACT:

1. This application was originally scheduled for the Public Hearing of July 10, 1979. The applicant could not be present on that date and the application was rescheduled for the Public Hearing of August 22, 1979.
2. The subject site is located on 6th Street, S.E.. between Pennsylvania Avenue and D Street. It is known as 318-324 6th Street, S.E. and is in an R-4 District.
3. Adjacent to the north and east of this site are the rear yards of commercial establishments fronting on Pennsylvania Avenue. There are a number of restaurants and carry-outs, dry cleaning establishments and a variety of other retail and service establishments in the 600 block. South of this parking lot fronting on 6th Street are row dwellings. Row dwellings are also located on the west side of 6th Street at this location as well as along D Street between 6th and 7th Streets. Pennsylvania Avenue forms the principal commercial district for this area. It is zoned C-2-A between 2nd Street and the Anacostia River except for the public parks and squares along its length. The bulk of land in this area is zoned R-4. The majority of residential structures are row dwellings although there are apartment buildings scattered throughout the area.
4. The subject site has been used for parking purposes since 1958. The Board's last approval for the continuance of this lot was in BZA Order No. 11712, dated October 18, 1974, for a period of five years.

5. The subject three lots have a combined area of approximately 5529 square feet. The lot accommodates approximately twenty vehicles and serves as accessory parking for a hardware store at 603-605 Pennsylvania Avenue, S.E. and other commercial establishments.

6. The lot is used by neighborhood residents in the evening as well as other patrons of business establishments in the area.

7. The applicant testified that he had taken his tenant, the operator of the aforementioned hardware store and the subject parking lot, to court since the tenant was renting spaces on the subject parking lot for all day parking. By terms of the Court Settlement the said operator will be bound by any conditions the Board of Zoning Adjustment sets on the use of the parking lot.

8. The Office of Planning and Development, by report date July 12, 1979, recommended that the application be conditionally approved. The OPD, reported that in accordance with Sub-section 3104.44 of the Zoning Regulations, there are no commercial advertising signs on building located on the property. The OPD believed that the use of this parking lot is reasonably necessary and convenient as a result of its proximity to the commercial establishments located on Pennsylvania Avenue at this location. The OPD also noted that this lot is available for use in the evenings by neighborhood residents, that all provisions of Article 74 are complied with, but that the paved surface of the lot appears to be in need of repair. The Board so finds.

9. The Department of Transportation, by memorandum dated July 27, 1979, noted that the parking lot is actually used for all day commuter parking, that the lot is approximately 1,000 feet from a metro subway station and that many metrobuses service the area. The DOT recommended approval of the application for a period of four years. It will reevaluate the reapplication then to determine the accessibility by transit of the facilities serviced by the subject lot. It noted that its office had received no complaints concerning the lot. The Board notes that the Department's observations on all-day parking are based on the operator's renting of spaces on the lot.

10. Advisory Neighborhood Commission 6B, by letter dated July 17, 1979, reported that it voted unanimously to support this application, but with the following conditions:

1. That the area concerned be cleaned and kept clean of all garbage and debris.
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2. That all potholes be filled in and kept in this condition.
3. That since this is a new applicant for this renewal, the exception be granted for only one year. The previous owner had not kept the property according to the orders of the BZA. The ANC feels that granting the special exception for one year gives the applicant ample opportunity to show his good faith in keeping this property in a clean and well kept condition. The Board concurs.

11. There was no opposition to the application.

12. There were approximately 300 signatures on a petition in favor of the application on the grounds that the lot benefits the Capitol Hill area by providing off-street parking and strengthens the business community.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3104.44 of the Zoning Regulations. The Board notes from the report of the OPD and the recommendation of the ANC that the subject lot needs to be maintained in a more diligent and efficient manner and will so condition this Order. 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 maps and that it will not tend to affect adversely the use of neighboring properties. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

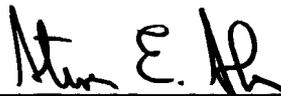
- a. Approval shall be for a period of one year from the date of the expiration of the previous Certificate of Occupancy, namely October 18, 1979.
- b. The lot shall provide free parking and should be used only for the customers of the adjoining commercial uses.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. 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'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: 3-0 (Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant, William F. McIntosh not voting, not having heard the case).

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



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 NOV 1979

UNDER SUB-SECTION 8204.3 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 AND APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.