

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12988, of Jonathan Woodner, Co., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-4 District at the premises 1634 Oak Street, N.W. (Square 2621, Lots 353, 354, 840, 358 and part of 352 and 839).

HEARING DATE: July 18, 1979
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. At the public hearing, the Chair ruled that after a review of the record and from the testimony of the opposition that the notices sent to persons within 200 feet of the subject property were in substantial compliance with the Rules of the Board and that the application could go forward on the merits.
2. The subject property is located at 1634 Oak Street, N.W. and is in an R-4 District.
3. The Board, by BZA Order No. 12673, dated July 21, 1978, last approved the continuation of the subject parking lot for a period of one year.
4. The parking facility was originally established in 1961, and serves exclusively the tenants of the apartments in the Woodner property at 3636 - 16th Street, N.W. The tenants are charged for parking.
5. This property is operated as a twenty-four hour secured lot, seven days per week. There are ninety-eight parking spaces. The facility operates in compliance with the requirements of Article 74 of the Zoning Regulations.
6. The parking facility is located on the south side of Oak Street, and abuts a cul-de-sac. To the north on the opposite side of the street is a parking area and the side of the Woodner Hotel. To the west is 17th Street and to the east adjoining the lot are attached residences. To the east at a higher elevation, is Oakwood Terrace, a residential neighborhood.

7. Pursuant to Paragraph 3104.44 of the Zoning Regulations, on May 22, 1979, this application was referred to the Department of Transportation for its review and report. No reply was received from the Department in the record of this case.

8. Advisory Neighborhood Commission - 1E made no recommendation on the application.

9. Testimony given in opposition by the 17th Street Neighborhood Council was based on the roof lights on the Woodner property not being confined to the surface of the parking area and failure to continue with the extermination of rats from the subject area. The applicant in the person of the general manager of the Woodner, testified that it had received no complaints and further that if complaints were received, she would resolve them.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact and the evidence of record, the Board is of the opinion that the lot, if properly controlled, will not have an adverse impact on the surrounding neighborhood. The Board further concludes that no dangerous or otherwise objectionable traffic conditions shall result from the continuation of this parking facility; the present character and future development of the neighborhood will not be affected adversely; and the parking lot is reasonably necessary and convenient to other uses in the vicinity. It is therefore ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

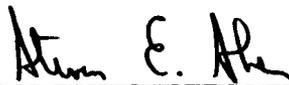
- a. Approval shall be for a period of FOUR YEARS from the date of the expiration of the previous Certificate of Occupancy, namely July 21, 1979.
 - b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
 - c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
 - d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
-

- e. 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.
- f. 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.
- g. 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 William F. McIntosh to GRANT; Leonard L. McCants not voting, having recused himself).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

5 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 SYPPLEMENTAL 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.