

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12996, of National Permanent Savings and Loan Association, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the operation of a parking lot in an R-4 District at the premises 4201 Fessenden Street, N.W. (Square 1669, Lots 26 and 27).

HEARING DATE: September 12, 1979

DECISION DATE: October 3, 1979

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of 42nd and Fessenden Streets, N.W. The site is bounded by a ten foot alley to the north, Fessenden Street, N.W. on the south, 42nd Street, N.W. on the east, and on the west by an existing bituminous parking lot and savings and loan branch facility owned by National Permanent. Said parking lot and branch facility are constructed on Lot 36 in Square 1669 which is zoned C-2-A. The subject property itself is in an R-4 District.

2. By Order dated July 29, 1974, the Board granted application No. 11450 of National Permanent for permission to establish a parking lot on the subject property pursuant to Section 3101.48 of the Zoning Regulations, the subject property then being in an R-2 District and vacant and unimproved. Said Order was granted conditionally for a period of five years.

3. The existing parking facilities on the subject property, which parking facilities National Permanent proposes to continue by the subject application, are contiguous with National Permanent's parking facilities on Lot 36 in the C-2-A District, and together the facilities form one parking lot.

4. There are thirty-two spaces in the entire parking lot, five of which are reserved specifically for National Permanent's customers. The remaining spaces are for users who consist mainly of nearby commercial entities or their employees. There are no arrangements for parking on an hourly or daily basis.

5. Worshipers at the Armenian Apostolic Church, directly across 42nd Street, N.W., are permitted to use the parking lot without charge while attending church services during the day.

6. Parking in the area in general is inadequate for the number of office and commercial establishments located there. There is no parking on Wisconsin Avenue from seven to nine a.m. or from four to six thirty p.m. The only other parking on Wisconsin Avenue is metered parking.

7. The requirements governing the physical operation of a parking lot in an R-4 District have been and are currently being met as well as the conditions listed in the Board's prior Order No. 11450.

8. Advisory Neighborhood Commission 3E, by it's letter of July 23, 1979 advised the Board that it voted unanimously not to oppose the subject application on the grounds that the immediate residents were not opposed to the use of the property as a parking lot at this time.

9. The Department of Transportation, by memorandum dated July 30, 1979, reported that no adverse impacts had been identified, that they had received no complaints and that the appearance of the facilities was very good. The Board so finds.

10. There was no opposition to the application.

11. There were many letters from neighboring merchants in the file in favor of the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant has complied with the requirements of Paragraph 3104.44 of the Zoning Regulations and the conditions imposed upon the granting of the Board's opinion in No. 11450. The Board further concludes that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is 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 29, 1979.
- b. The applicant shall continue to comply with all the conditions of the Board's prior Order No. 11450.

- 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 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: 4-0 (Chloethiel Woodard Smith, Walter L. Lewis, Charles R. Norris, and William F. McIntosh to GRANT; 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: 16 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 AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.