

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13029, of Joseph J. Urciolo, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot in an SP-2 District at the premises 306-309 F Street, N.W., (Square 531, Lots 810, 811 and 812).

HEARING DATES: September 12, 1979, October 17 & November 28, 1979
DECISION DATE: November 28, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The case was scheduled for the public hearing of September 12, 1979. It was not heard since the applicant had not complied with Rule 3.33 of the Supplemental Rules of Practice and Procedures before the Board of Zoning Adjustment. The subject property had been posted for five days instead of the required ten days.
2. This case was continued to the public hearing of October 17, 1979. It was not heard because of the lateness of the hour. The case was continued to November 28, 1979.
3. The subject lots are located at the southeast corner of the intersection of 4th and F Streets, N.W. The site is known as 306-308 F Street, N.W. It is in a SP-2 District.
4. The subject property is surrounded by boarded-up residences and a parking lot to the north, by First Trinity Lutheran Church to the south, by a parking lot on the opposite side of Third Street to the east and by the D.C. Court of Appeals on the opposite side of Fourth Street to the west. One block further west at Fifth and "E" Streets is the Judiciary Square Metro Station.
5. The subject lots in addition to Lots 816, 817, 818, 814 and 815 all in Square 531 were last approved by the BZA for parking lot use for a period of two years in BZA Order No. 12457, dated September 21, 1977.
6. All of the lots, as listed in BZA Order No. 12457, are now part of the site for which the Zoning Commission has approved a preliminary application of a planned unit development. A hearing for final approval of the project will be scheduled by the Zoning Commission.

7. The applicant now proposes to continue the use of the subject parking lots until ground is broken for construction of the PUD.

8. The subject lots 810, 811 and 812 provides forty-nine parking spaces. The lots serve primarily employees and visitors of the D.C. Court system.

9. The applicant testified that the subject lots are planned to serve only short term parking. There are no monthly contracts on the subject lots. The applicant testified that he would have signs posted directing parkers to other lots of the subject square for long term parking and that he would monitor the subject lots for this purpose.

10. On July 30, 1979, the application was referred to the Department of Transportation for its review and report. By memorandum dated September 21, 1979, the DOT reported that the subject lots are being used predominantly by all-day parkers which is contrary to Paragraph 4101.41 of the Zoning Regulations. The DOT recommended that the continuation of the parking lot be granted only if the use is limited to short term parking exclusively. The DOT further reported that it had received complaints on the lot and that the overall appearance of the parking lot is adequate. The Board notes that the DOT report also included lots 814, 816 and 818 in addition to the subject lots.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations. The Board is of the opinion that the continuation of this parking facility will not create any dangerous or otherwise objectionable traffic conditions, that this lot is reasonably necessary and convenient to other uses in the vicinity and that the present character and future development of the neighborhood will not be adversely affected. The Board further concludes that with the conditions hereinafter imposed on the grant of the application the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not 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 EIGHTEEN MONTHS from the date of the expiration of the previous Certificate of Occupancy, namely August 3, 1979.
- b. There shall be no all-day commuter parking.
- 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: 5-0 (Walter B. Lewis, Connie Fortune, Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 FEB 1980

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.