

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13100 of John W. Paris, 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 513 E Street, N.W., (Square 488, Lot 830).

HEARING DATE: November 28, 1979  
DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The subject property is located on the northeast corner of 6th and E Streets, N.W. It is in an SP District.
2. By BZA Order No. 9955 dated September 5, 1969 the Board granted conditionally the use of the subject property as a parking lot for a period of five years. It had previously been used as a gasoline service station. By BZA Order No. 11573 the Board granted conditionally the continued use of the parking lot for five years.
3. The subject lot is 45.0 feet by 42.35 feet. It provides five parking spaces. The lot is basically used by sightseers who park their cars on the lot and use the White House Tours buses. At night it is used by residents of the neighborhood. The lot is unattended and is wide open to all.
4. A representative of the owner was present at the public hearing. He testified that he will not commit the owner to any conditions the Board might wish to impose upon the use of the property.
5. The photos of the subject premises that had been submitted to the record reflected that the owner had never complied with the conditions of the prior Order of the Board. There were no bumper stops. The parking spaces had not been lined off. The owner's representative attested to these conditions. No further testimony was given.
6. There was no opposition to the application.
7. Advisory Neighborhood Commission 2C made no recommendation on the application.

CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicant is seeking a special exception the granting of this requires a showing that the applicant has essentially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations. The Board concludes that the burden of proof has not been met. The Board further notes that the subject parking lot has been in existence for ten years. During that period the applicant has ignored the conditions imposed by the Board in granting the prior applications. The Board further concludes that the special exception could not be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps. The present use as exercised adversely affects the use of neighboring property. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0 ( Connie Fortune, Walter B. Lewis and William F. McIntosh to deny, Charles R. Norris not voting, not having heard the case, Leonard L. McCants abstaining).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

7 APR 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."