

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13117 of S. Jon Gerstenfeld Investments, Inc., 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-5-B District at the premises 1747 "P" Street, N.W., (Square 156, Lot 361-365).

HEARING DATE: December 12, 1979

DECISION DATE: January 9, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-5-B zone district on the north side of "P" Street, between 17th and 18th Streets, N.W., at premises known as 1747 "P" Street, N.W.
2. The site is presently operated as a parking facility, pursuant to this Board's Order No. 12712, dated September 11, 1978
3. The applicant testified that plans are currently under way to develop the subject property as townhouses in accordance with the Zoning Regulations, pending availability of financing. The applicant filed with the Board a copy of the working drawings for the proposed houses as Exhibit No. 20.
4. The applicant is seeking a continuation of this parking facility for a period of one year, at which time construction on the houses will commence.
5. The lot accommodates fifty-five vehicles. Approximately one-third of the spaces are rented for all-day parking, and two-thirds are rented for short-term parking.
6. The lot is open from 7:30 A.M. to 6:30 P.M., and is attendant operated. At the close of the day and on weekends, the lot is left open for community residents, as well as parishioners of the St. Thomas Parish.

7. The owner testified that the previous tenants operating the lot did not keep it clear of debris and refuse, and he therefore has now leased it to Colonial Parking, Incorporated.

8. Advisory Neighborhood Commission 2B, by report dated December 12, 1979, recommended approval for a period not longer than one year, on the grounds that the applicant has made a bona-fide attempt to make financial arrangements so that construction can begin.

9. The Department of Transportation by memorandum dated December 19, 1979, recommended approval for a period of one year, pending construction of a new townhouse development on the site.

10. At the time of the Board's last approval, the D.C. Court of Appeals was still entertaining an appeal to have the 1974 Order of the Zoning Commission, which changed the zoning of the property from SP to R-5-B, reversed. The Court has acted on that appeal and the decision of the Zoning Commission still stands. The property remains zoned R-5-B. No development of the property has taken place, as the applicant remained a contract purchaser pending the decision.

11. The Dupont Circle Citizens Association testified at the time of public hearing in opposition to the application, on the grounds that the Court of Appeals has made a decision and the applicant can begin construction. The Association also opposed the application on the grounds that the lot is not well maintained. The Board finds that the applicant himself testified that he was not happy with the way the previous tenants ran the lot and therefore had secured new operators, who have brought the lot into compliance with the Board's Order. The Board does not concur with the arguments of the Association as to development. The Board is aware of the further steps the applicant would have to make in terms of financing and planning for development of the site, once the D.C. Court of Appeals issued its opinion.

12. The Board finds that the applicant's working drawings demonstrate his good faith effort to develop the property once financing is secured. The subject lot should not remain vacant and unused during that time.

13. There were several letters of support from surrounding property owners.

14. There was no other opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION

Based on the record, the Board concludes, that no dangerous or otherwise objectionable traffic conditions shall result from the continuation of this temporary commercial parking lot; that the present character and future development of the neighborhood will not be affected adversely and that the parking lot is reasonably necessary and convenient to other uses in the vicinity. 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 map 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:

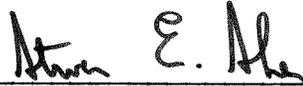
- a. Approval shall be for a period of ONE YEAR from the expiration of the previous Certificate of Occupancy, namely September 11, 1979.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper 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: 5-0 (Connie Fortune, Walter B. Lewis, 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
Executive Director

FINAL DATE OF ORDER: 17 MAR 1980

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.

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."