

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13120, as amended, of Scripps-Howard Newspapers, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of parking lots in an SP-2 District at the premises 1213 L Street, N.W., (Square 283, Lot 825) and premises 1217 L Street, N.W., (Square 283, Lots 806, 807 and 824).

HEARING DATES: December 12, 1979 and May 21, 1980

DECISION DATES: January 19, 1980 and June 4, 1980

FINDINGS OF FACT:

1. The subject lot 825 is located at the northwest corner of the intersection of L and 12th Streets, N.W. and is known as 1213 L Street, N.W. The subject lots 806, 807 and 824 are located on the north side of L Street between 12th and 13th Streets, N.W. and are known as 1217 L Street, N.W. Both sites are in an SP-2 District.

2. A row structure known as 1215 L Street separates the two subject site. The subject parking lots are surrounded by apartment houses, flats, rooming houses, a school and an office building.

3. The BZA granted permission for the use of 1213 L Street and 1217 L Street as parking lots in BZA Order No. 11286, dated June 12, 1973. Both were granted for five year periods and subsequently approval was granted for one year.

4. The applicant leases both parking lots to Atlantic Garage Inc., which sub-leases the properties to the U.S. Catholic Conference which is located at 1312 Massachusetts Avenue, N.W. The U.S. Catholic Conference uses the lot exclusively for its employees.

5. The lot at 1213 L Street has a capacity for twenty-seven parking spaces. The lot at 1217 L Street has a capacity for nine teen parking spaces. The lots are non-attendant lots. The entrances to both lots are chained off and admission is through a key to the lock on the chain fence. The employees of the U.S. Catholic Conference park all day on the lots.

6. The lessee is responsible for the maintenance and the cleaning of the lot. All complaints concerning the lot operation are directed to the lessee. The lessee testified that it had received no complaints.

7. The applicant testified that it has complied with all the conditions of the Board's prior Orders and that the lots are in compliance with Article 74 of the Zoning Regulations.

8. The applicant testified that it is presently involved in negotiations for the sale of both subject parking lots.

9. The lessee testified that there is no demand for short term parking in the immediate area of 12th and L Streets. There are no generations from the surrounding uses for "in and out" parking. The lessee further testified that it operates a parking lot directly across the street from the subject parking lots. Said lot is never more than sixty-five percent full and is available for short term parking. The Board granted the applicant permission to amend its application to include a variance from Sub-paragraph 4101.413 of the Zoning Regulations.

10. There was no opposition to the application either at the public hearing or of record.

11. Advisory Neighborhood Commission - 2C made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the application, as amended, meets the requirements of Paragraph 4101.41 of the Zoning Regulations. The operation of the lot is so designed that it is not likely to become objectionable to adjoining and nearby property because of noise traffic or other objectionable conditions and that the present character and future development of the neighborhood will not be affected adversely by its use.

As to the variance, the Board concludes that the requested variance is a use variance, because the variance requested relates to the manner in which the parking spaces will be used. In order to grant a use variance, the applicant must demonstrate that there is an undue hardship upon the owner arising out of some unique or exceptional condition of the property. The Board concludes that the subject site has no reasonable use other than the continuation of the existing parking facility. The Board concludes that there are not sufficient facilities in the area to generate enough demand for short-term parking and that restriction of use of the lot to other than commuter parking only would create a hardship for the owner.

The Board further concludes that the variance can be granted without substantial detriment to the public good and without sub-stantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The proposed parking lot use because of its nature of operation will not adversely affect the present character and future development of the neighborhood. Therefore, this use, as further conditioned by this order, is appropriate for the site.

Accordingly, it is ORDERED that the application, as amended, is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of ONE YEAR from the date of the final Order.
- 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 or confined to the surface of the parking lot.

VOTE: 4-0 (John G. Parsons, Connie Fortune, William F. McIntosh and Leonard L. McCants to GRANT, Charles R. Norris not present, not voting).

