

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13160, of Fourth Church of Christ Scientist, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Paragraph 3104.44 to continue the use of a parking lot in an R-5-B District at the premises 3518 Center Street and 1511 Oak Street, N. W., (Square 2686, Lot 818).

HEARING DATE: February 13, 1980

DECISION DATE: March 5, 1980

FINDINGS OF FACT:

1. The property was posted in accordance with the Supplemental Rules of Practice and Procedure. However, the affidavit of posting was filed only two days in advance of the hearing. The Rules require that the affidavit be filed at least five days in advance of the hearing. The Board determined that proper notice was given, and for good cause, waived the timely filing of the affidavit.
2. The subject property is located at the northeast corner of Center and Oak Streets, N. W., in an R-5-B zone District at premises known as 3518 Center Street and 1511 Oak Street, N. W.
3. The property is currently used as a parking facility pursuant to BZA Order No. 11715, dated December 17, 1974. The applicant proposes the continuation of the parking lot.
4. The lot serves as parking for the Fourth Church of Christ Scientist, which is directly adjacent across Oak Street.
5. The lot accommodates approximately twenty five vehicles. The lot is open to neighbors during non-Church hours. There is no charge for parking.
6. The applicant testified that there are no immediate plans to develop the property.

7. The applicant has complied with all of the requirements of Article 74.

8. Advisory Neighborhood Commission 1-A by report dated February 11, 1980, offered no objections to the granting of this application.

9. There was one letter from an adjoining property owner at 1513 Oak Street noting problems with the lot being left open for ball-playing by neighborhood youths, breaking his window, as well as automobile windows. The neighbor requested that the applicant be required to place a large "no-ball playing" sign on the property and enforce such a request. The Board finds that the concerns of the neighbor are not unreasonable, and the Board will request that the applicant post such a sign.

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

CONCLUSIONS OF LAW AND OPINIONS:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant has substantially met the requirements of Sub-section 3104.44 and Article 74 of the Zoning Regulations. The Board is of the opinion that the present character or future development of the neighborhood will not be adversely affected by the continued use of this parking facility. The Board further concludes that the subject lot is necessary and convenient to the church that it proposes to serve, as well as surrounding residents. The continuation of this parking facility is in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:

- a. Approval shall be for a period of THREE YEARS.
- b. The applicant shall post a clearly visible sign on the property reading "NO BALL PLAYING". The applicant shall enforce that prohibition to the greatest extent possible.
- 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. 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. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- 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 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Leonard L. McCants to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: 21 APR 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."