

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13195, of Angelo A. Puglisi, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot and for a variance from Sub-paragraph 4101.413 to permit all-day commuter parking in an SP-2 District at the premises 721-23 - 6th Street, N.W., (Square 486, Lots 11 and 12).

Application No. 13196, of Louis P. Gatti and Hugh Gittinger, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot and for a variance from Sub-paragraph 4101.413 to permit all-day commuter parking in an SP-2 District at the premises 732-738 - 5th Street, N.W., (Square 486, Lots 21-25).

HEARING DATES: March 19 and May 14, 1980

DECISION DATE: June 4, 1980

DISPOSITION: Both applications No. 13195 and 13196 were heard and determined on the same dates. The Board GRANTED both applications conditionally for a period of TWO YEARS (William F. McIntosh, John G. Parsons, Connie Fortune and Leonard L. McCants to GRANT; Charles R. Norris not voting, not having heard the cases).

FINAL DATE OF ORDERS: July 15, 1980

ORDER

FINDINGS OF FACT:

1. Counsel for the applicants in application Nos. 13195 and 13196 filed a timely motion for reconsideration. Counsel requests the Board to grant both subject applications for a period of FOUR YEARS to conform with the Board's decision on BZA Application No. 13147.

2. Application No. 13147 was heard by the Board on January 23 and March 19, 1980. It was decided on April 2, 1980. The Final Date of the Order was June 2, 1980. The Board GRANTED the application for a period of FOUR YEARS.

3. Application No. 13147 sought the same relief from the Board as did application Nos. 13195 and 13196, namely a special exception to continue the use of a parking lot and for a variance to permit all-day commuter parking. In addition, the premises of all three applications are located in an SP-2 District and all three parking lots are in the same subject square 486.

4. The subject property in BZA Application No. 13147 is located at 727-727 - 6th Street, N.W. (Square 486, Lots 804, 805, 806, 807 and 808).

5. Counsel argues that the Board has determined that all three parking lots, in conjunction with another, are adjacent to one another and are operated as one big parking lot. All four lots have commuter parking contracts. Many spaces are leased by the Department of General Services as all-day parking for their official vehicles. Counsel requests that the subject three parking lots be approved for the same period of four years.

6. Pursuant to Paragraph 4101.41 of the Zoning Regulations, a parking lot in existence on October 5, 1978 under approval by the BZA may be permitted by the Board to continue in existence for a period not to exceed four years from the date that the present Certificate of Occupancy expires and, among other requirements, does not provide all-day commuter parking. The BZA has no authority under this paragraph to approve the establishment of any new parking lots.

7. There was no opposition to application Nos. 13195 and 13196. There was opposition to application No. 13147. The Board in Finding No. 10 of BZA Order No. 13147 stated "There was opposition to the application from an adjoining property owner on the basis that the cars using the lot rammed into the side of his building. Bricks have had to be replaced and the inside and outside walls of the building had to be refinished. The problem has been in existence for several years. The opposition testified that he reported the damages to the office of the operator of the lot but to no avail. It is the applicant's position that the damages to the building were not caused by his operation of the parking lot, but by persons using the lot after the commercial operation had closed."

8. The Board held a further hearing on application No. 13147. One of the issues at the further hearing was the extent of the physical damage done to the abutting property.

9. In its Final Order in BZA Order No. 13147 the Board conditioned its grant in condition "b" as follows:

- b. The applicant shall erect a thirty-inch high masonry wall located two feet from the adjoining building to the south within sixty days from the date of this Board's Order.

CONCLUSIONS OF LAW AND OPINION:

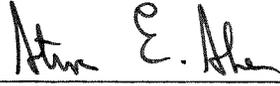
The Board is under a mandate in the Zoning Regulations to terminate parking lots in SP-2 Districts. Such parking lots are to be phased out. In application Nos. 13195 and 13196 the Board was of the opinion that a period of two years was sufficient time to accomplish this mandate. In BZA application No. 13147 the Board required the applicant to assume financial expenses in constructing a thirty-inch high masonry wall. In granting the four years the Board was of the opinion that the said financial expenses should be borne over a sufficient period of years.

At the public meeting of September 3, 1980, the motion of Counsel for a Reconsideration was considered. The Board concluded that it had committed no error in deciding application Nos. 13195 and 13196. Accordingly, it is ORDERED that the Motion for Reconsideration is DENIED.

VOTE: 3-0 (Charles R. Norris, Connie Fortune and Leonard L. McCants to DENY; William F. McIntosh not present, not voting).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

22 DEC 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."