

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13236, of Bergmann's Inc., 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 724-728 - 5th Street, N.W., (Square 486, Lots 809 and 810).

HEARING DATES: May 14 and July 16, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of 5th Street between G and H Streets, N.W. in an SP-2 zone district at premises known as 724-728 - 5th Street, N.W.
2. The property is currently used as a parking facility for employees of the Bergmann's Laundry which is located just west of the site, pursuant to this Board's Order No. 12375.
3. This lot has existed for approximately twenty years. The applicant proposes the continuation of the lot for employee parking.
4. Approximately one-half of the subject square is devoted to surface parking lots with the remainder including a number of carryout restaurants and retail and service establishments, large office buildings and the Bergmann's Laundry.
5. The lot is bounded on the south by a thirty foot wide public alley and on the west by a seventeen foot public alley. The lot has approximately fifty feet of frontage along 5th Street. Access to the lot is from the adjacent public alleys to the south and west, as well as from the adjacent parking lot to the north.
6. The lot is fifty feet in width and eighty-five feet in length and accommodates approximately twenty-seven vehicles. The lot is paved with an all weather impervious material and meets the requirements of Article 74 of the Regulations.

7. The Office of Planning and Development by report dated May 2, 1980 and testimony at the time of public hearing, recommended approval of the application, on the grounds that the lot is essentially accessory parking and not strictly all-day commuter parking as envisioned by Paragraph 4101.413 of the Zoning Regulations, and that the lot is reasonably necessary and convenient to the operation of Bergmann's Laundry. The Board so finds. The OPD, however, recommended that the area be better policed to prevent the accumulation of excessive trash and debris. The Board agrees.

8. There was no report of Advisory Neighborhood Commission 2C on this application.

9. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an application, the applicant must demonstrate that it has complied with the requirements of Paragraph 4101.41 of the Zoning Regulations, that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and that approval will not tend to affect adversely the use of neighboring properties. The Board concludes that the applicant has so complied. The Board further concludes that the use is located and designed so that it is not likely to become objectionable to adjoining property because of noise, traffic or objectionable conditions. Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS, from the date of expiration of the previous Certificate of Occupancy.
2. The lot shall be restricted to use by the applicant's employees and shall not be available for public use.
3. The applicant shall landscape the portion of the lot that fronts on 5th Street with a hedge of evergreen plant material approximately two feet in height at planting.
4. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

5. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
6. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
7. All parts of the lot shall be kept free of refuse or debris on a daily basis and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
8. 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.
9. 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, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh to GRANT by PROXY; Leonard L. McCants not present, not voting).

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

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

FINAL DATE OF ORDER: 23 JAN 1981

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."

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.