

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13250, of Luther Place Memorial Church, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance to permit all-day commuter parking (Sub-paragraph (4101.413) in an SP-2 District at the premises 1307- 14th Street N. W., (Square 242, Lots 803, 804, 805 and part of lots 834, 81, 800, 801, 835, 82, 83 and 85).

HEARING DATE: June 11, 1980

DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The subject property is located in an SP-2 District on the north side of N Street between Vermont Avenue and 14th Street., N. W.

2. The subject property is currently being used as a commercial parking lot. The use was last approved by the BZA for a period of five years in Case No. 11831 by order dated April 1, 1975.

3. The applicant proposes to continue using the property as a commercial parking lot.

4. The property contains spaces to park approximately sixty-five cars. Access to the lot is by way of driveways from 14th Street and Vermont Avenue.

5. The lot is partially used at present for all-day commuter parking. The applicant requested a variance from the requirements of Sub-paragraph 4101.413 to permit the all-day parking to continue.

6. The lot is operated from 7:00 A.M. to 6:00 P.M. by Parking Management Inc. After hours, the lot is used by the Church for persons attending its activities. A small number of spaces is also used during the day by volunteers working at some of the activities in buildings owned by the Church on N Street. There is an attendant on the lot during the day.

7. The representative of the operator testified that approximately twenty-five spaces are occupied by persons who contract to use the lot on a monthly basis. Approximately

half of the total number of spaces are occupied by short term parkers. The remaining spaces are leased for long-term parking on a daily basis.

8. The lot has been operated in the past in compliance with the orders of the Board and the Zoning Regulations. There is further no evidence to suggest that the lot has created or will create any dangerous or objectionable traffic conditions.

9. The area to the north and east of the lot is primarily residential in character. The area to the south and west is a mix of office, retail and service uses. There are insufficient generators of short-term parking to create enough demand to fill the entire lot.

10. Representatives of the Church testified that they were actively engaged in seeking to develop the site. One of the prime options being considered was the development of housing for the elderly or handicapped, using federal subsidy money.

11. There was no report from the District of Columbia Department of Transportation.

12. There was no report from Advisory Neighborhood Commission 2-C.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. As to the use variance, the variance to permit all-day commuter parking, this requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that approximately twenty-five spaces of the subject parking lot are used for commuter parking on a monthly contract basis and that the other uses in the near vicinity of the subject parking lot do not generate sufficient short term parking needs to totally use the lot.

The Board further notes that the lot is used by the Church for its own purposes, and that a large portion of the lot is rented on a daily basis, for both short and long term parking.

The Board concludes that since part of the subject property is leased for commuter parking and that the physical location of the parking lot precludes its use by short term parkers, the hardship is inherent on the property. The Board further concludes that with a final two-year limitation conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of two years from the date of expiration of the previous Certificate of Occupancy.
- b. There shall be a maximum of twenty-five spaces devoted to all-day commuter parking.
- 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. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- 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: 5-0 (Charles R. Norris, William F. McIntosh, Connie Fortune, Leonard L. McCants and Ruby B. McZier, to grant).

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

ATTESTED BY: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 22 SEP 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."

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.