

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13252, of Carol R. Raper, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate a parking lot as customer parking in a C-2-A and R-3 District at the premises rear of 2130-54 Wisconsin Avenue, N. W., (Square 1300, Lots 326, 876 and 916).

HEARING DATE: June 11, 1980

DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-3 District on the south side of W Place west of Wisconsin Avenue. It is located directly behind a building known as 2130-2154 Wisconsin Avenue.

2. The property is presently being operated as a parking lot to serve the customers of Theodore's Furniture Inc., which occupies the adjacent commercial building in the C-2-A District. The use was last approved by the BZA for a period of five years in case No. 11846, by Order dated April 28, 1975.

3. The subject parking lot contains approximately thirty-five spaces. It is open for customers of the store at all hours that the store is open. The store is presently open seven days a week, with varying hours. Access to the lot is by way of a driveway from W Place. There is also an exit directly to Wisconsin Avenue.

4. The lot has been operated as accessory parking for the furniture store since 1969. Prior to that time, the lot served a food store which formerly occupied the premises.

5. The representative of the applicant testified that there were no plans for the lot other than to continue using it for accessory parking.

6. The lot was marked off with lines to delineate the parking spaces. Many of the lines have been obliterated.

7. The lot is paved with an all-weather impervious surface. The representatives of the applicant testified that the asphalt has been patched as needed from time to time. Photographs in the record indicate that there are many pot-holes on the lot.

8. There is no evidence to suggest that the operation of the lot has created any dangerous or objectionable traffic conditions. There is no record of any complaints concerning the maintenance or operation of the lot.

9. The lot is located within 200 feet of a C-2-A District.

10. There was no report from Advisory Neighborhood Commission 3-B.

11. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 exception, the applicant must demonstrate that she has complied with the requirements of Paragraph 3101.48 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied, and that the parking lot meets the criteria set forth. The Board notes that the physical condition of the lot is substandard, and will condition the approval of the application accordingly.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps. It is therefore ordered that the application is 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 which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. The entire lot shall be resurfaced and relined.
- c. The parking shall be limited to the employees and customers of the commercial establishments fronting on Wisconsin Avenue.

- d. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- e. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- f. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- g. 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.
- h. 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.
- i. 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, Ruby B. McZier, Connie Fortune, Leonard L. McCants and William F. McIntosh to grant).

BY ORDER OF THE DISTRICT OF COLUMBIA 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.