

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13273 of BLG and Continental Associates, 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-D District at the premises 2140-44 L Street, N. W., (Square 73, Lots 44 and 864-868).

HEARING DATE: July 16, 1980  
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located on the south side of L Street between 21st and 22nd Streets, in an R-5-D zone District at premises known as 2140-44 L Street, N. W.
2. The property is currently operating as a parking facility pursuant to the BZA Order No. 12605, dated April 28, 1978.
3. The applicant proposes the continuation of this lot until acquisition is made of two adjoining lots, at which time the site will be used for completion of an L-shaped building proposed on adjoining lots of the subject square.
4. The lot serves as parking for surrounding apartment buildings, restaurants, business establishments, grocery stores, University Medical building, George Washington Hospital, and Group Health Association.
5. The lot accommodates approximately twenty-seven vehicles and operates from 6 a.m. to 6:30 p.m., Monday through Friday.
6. The property is surrounded to the north across L Street by an apartment house, to the west by two-story row dwellings followed by a parking lot, to the east by a two-story brick row dwelling, followed by the L Street Auto Body Repair and a nine-story office building and to the south by a thirty foot wide alley followed by an office building.

7. The applicant generally complies with the requirements of Article 74. No commercial advertising signs are displayed outside of the attendant's shelter except the sign advertising the parking rates.

8. The applicant testified that a very concerted effort had been made to acquire the adjoining two properties for the completion of plans to develop the site as a condominium apartment building in accordance with the R-5-D District to date. This has been to no avail, and the applicant has no immediate plans for use of the site.

9. The Office of Planning and Development by report dated July 9, 1980, found that the applicant generally complied with the provisions of Article 74, that the lot is reasonably necessary to the neighborhood, and that continuation of the lot as a parking facility will not adversely affect the present character and future development of the neighborhood. The Board so finds,

10. The OPD recommends approval based on the following conditions:

1. That the applicant complies with all of the conditions of prior BZA Order No. 12605; dated April 28, 1978.

2. That the applicant install and maintain a six foot high, light-tight privacy fence along that portion of the eastern property line which abuts the rear yard of the row dwelling at 2138 L Street.

3. That the missing bumper stops used to protect the abutting properties be replaced,

4. That the D.C. Department of Transportation report finds no objectionable traffic conditions resulting from the proposed use; and makes a finding that the lot is reasonably necessary and convenient given the availability of mass transit in the vicinity.

The Board finds that the first three conditions proposed by OPD are reasonable and should be complied with by the applicant. As to the fourth condition, the Board finds that this application was referred to the DOT on April 24, 1980, and no response has been received, and that a finding by DOT as to the necessity of the lot is not a pre-requisite for a decision in this application.

11. Mrs. Harriett B. Hubbard, on behalf of the Dupont Circle Citizens Association opposed the application on the grounds that the association generally opposed surface lots. The Board finds that each case is decided on its own merit, and a blanket opposition policy is not sufficient to support a basis for denial.

12. There was no report from ANC 2A on this application.

13. There was no other specific 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 has 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 surrounding uses it proposes to serve. 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 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. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

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.

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e. 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.

f. 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.

g. 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: 15 OCT 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.