

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13378 of Larry D. Quillian, 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-4 District at the premises 318-324 - 6th Street, S.E., (Square 874, Lots 808,34 and 35).

HEARING DATE: November 12, 1980

DECISION DATE: January 7, 1981

FINDINGS OF FACT:

1. The subject property is located on the east side of 6th Street, S.E., between Pennsylvania Avenue and D Street. It is in an R-4 zone District at premises known as 318-324 - 6th Street, S.E.
2. The property is currently used as a parking facility, pursuant to this Board's Order 12985 dated November 28, 1979, and Certificate of Occupancy No. B-119200. The site has been used for parking since 1958.
3. The applicant proposes the continuation of this lot for accessory parking for the adjoining hardware store and office suites located above the store, located at 603-605 Pennsylvania Avenue, S.E.
4. Adjacent to the north and east of this site are the rear yards of commercial establishments fronting on Pennsylvania Avenue. There are a number of restaurants and carry-outs, dry cleaning establishments and a variety of other retail and service establishments in the 600 block. South of this parking lot fronting on 6th Street are row dwellings. Row dwellings are also located on the west side of 6th Street at this location as well as along D Street between 6th and 7th Streets. Pennsylvania Avenue forms the principal commercial district for this area. It is zoned C-2-A between 2nd Street and the Anacostia River except for the public parks and squares along its length. The bulk of land in the area is zoned R-4. The majority of residential structures are row dwellings although there are apartment buildings scattered throughout the area.
5. The subject three lots have a combined area of approximately 5529 square feet. The lot accommodates approximately twenty vehicles and serves as accessory parking for a hardware store at 603-605 Pennsylvania Avenue, S.E. and the office establishments located on the floors above the hardware store.

6. The Department of Transportation by report dated October 17, 1980, reported that the lot was observed to be clean, neat and in good physical condition, and recommended approval of the lot for a period of three years.

7. Advisory Neighborhood Commission 6B by report dated November 11, 1980, recommended approval of the lot on the grounds that the applicant has attempted to keep the lot clean and well maintained and the lot is reasonably necessary to the hardware store and offices it proposes to serve. The Board so finds.

8. The Capitol Hill Restoration Society, by report dated November 11, 1980, voted to oppose the application if it is granted for more than three years, and to take no position if the application is granted for a period of less than three years.

9. The applicant testified that the lot will not be available for use by any and all of the adjoining commercial establishments or residences, but shall be used exclusively by tenants and customers at 603-605 Pennsylvania Avenue, S.E., as shown in the Stipulation of Settlement filed as Exhibit No. 20 of the record.

10. The applicant's lease of the parking lot to the tenant expires on August 31, 1981.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and 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 he has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use is reasonably necessary and convenient to the properties it serves, has had not created and will not create any dangerous, objectionable or adverse conditions.

The Board notes that there has been some confusion regarding who will use the lot and under what conditions. The Board notes that the present hardware store tenant's lease expires in 1981, and after that point it is unknown who will use the lot. The Board will therefore limit its approval of this application to that time period. The Board further notes the Stipulation of Settlement agreed to by the applicant and the tenant. The Board will limit the use of the lot to the terms of the agreement.

The Board further concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. 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 regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

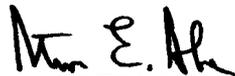
- a. Approval of the lot shall be for a period ending on August 31, 1981.
- b. The lot shall provide free parking for patrons and tenants of the two contiguous and commonly owned commercial buildings, said buildings being known as premises 603 and 605 Pennsylvania Avenue, S.E., Lots 25 and 26 in Square 874, and that only said patrons and tenants shall be permitted to park thereon.
- c. Use and operation of the lot shall meet the additional conditions set forth in the Stipulation of Settlement, marked as Exhibit No. 20 of the record.
- 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 a 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 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Douglas J. Patton and Connie Fortune to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 17 FEB 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.