

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13414, of Church Street Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the operation of a parking lot in an R-5-B District at the premises 1522-1526 Church Street, N.W., (Square 194, Lots 50, 51 and 52).

HEARING DATE: January 28, 1981
DECISION DATE: February 4, 1981

FINDINGS OF FACT:

1. The subject property is located on the south side of Church Street, N.W., between 15th and 16th Streets, N.W. It is in an R-5-B zone district at premises known as 1522-1526 Church Street, N.W.
2. The property is currently operating as a parking facility pursuant to this Board's Order No. 13083, dated February 11, 1980. It was established as a parking lot on July 24, 1962, under BZA Order No. 6874.
3. The applicant proposes the continuation of this lot as a parking facility, until December 31, 1981. The applicant has immediate plans to develop the subject property for residential use in accordance with the R-5-B zone.
4. The subject property consists of three adjacent lots totaling approximately 6,270 square feet and is sixty-six feet wide on the north and south lot lines and ninety-five feet deep along the east and west lot lines. The lot accommodates twenty-six vehicles.
5. The subject site is bounded on the north by Church Street, N.W., and beyond that, the northern half of Square 194, on the west by Lots 802, 801, and 800 and beyond that, 16th Street, N.W., on the south by a public alley and on the east by Lots 84-89, with Saint Luke's Church and 17th Street, N.W., beyond. Access to the property is currently provided from Church Street, N.W.
6. The subject parking lot has served the surrounding area for the past eighteen years primarily as commuter and guest parking for a Christian Services Corps. At present, the lot is used primarily for neighborhood residents.

7. In addition, the subject lot serves a community function by providing overnight parking for neighborhood residents and overflow parking for the nearby St. Luke's Church and the Foundary Methodist Church.

8. The Dupont Circle Citizens Association opposed the application on the grounds that the site is suitable for townhouse development, that the houses would increase the tax base more than a parking lot, and that a continuation of the parking lot encourages developers to move slower on construction of homes on the property.

9. Advisory Neighborhood Commission - 2B, by letter dated January 28, 1981, opposed the application on the grounds that this residential land has been used as a parking facility for nineteen years, in conflict with the Zoning Regulations, that the lot is primarily used as a commuter lot, and that it is not in the interest of the City's tax base to allow this lot to continue.

10. The Board is required by statute, to give great weight to the issues and concerns of the ANC. In addressing these issues and concerns, as well as that of the DCCA, the Board notes that the applicant seeks a continuance of the said lot for less than one year, and that evidence of immediate plans to build on the site was presented to the Board. As conditioned below by the Board, the continuance of this lot will terminate on a fixed date in the near future. The Board finds that the applicant is now moving expeditiously to terminate the parking lot and to commence building. The concerns of the opposition will thus be mooted.

11. There was no report received in the record from the Department of Transportation.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3104.44 of the Zoning Regulations. In view of the fact that the applicant seeks relief for a very limited period of time, the Board is of the opinion that this request is reasonable. The parking lot will not create dangerous or otherwise objectionable traffic conditions, will not adversely affect the present character and future development of the neighborhood and is reasonably necessary and convenient to the other uses in the vicinity. The Board further concludes that the subject parking lot will be in harmony with the general purpose and intent of the Zoning Regulations and that it will not adversely affect the use of the neighboring property in accordance with said Zoning Regulations. Accordingly, it is ORDERED that this APPLICATION be GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be until December 31, 1981.
- 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.
- 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 (William F. McIntosh, Douglas J. Patton, Charles R. Norris 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: _____

23 APR 1981

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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.