

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13465, of Morris Miller Liquor and Enterprises, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate an accessory parking lot in an R-1-B District at the premises 7830-42 Eastern Avenue, and 7800 Alaska Avenue, N.W., (Square 2960, Lots 810, 811, 812, 813 and rear of 809).

HEARING DATE: May 13, 1981  
DECISION DATE: May 13, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject application was advertised to be considered under Paragraph 3101.411 which provides for accessory parking. At the public hearing, counsel for the applicant advised the Board that the application should properly be considered under Paragraph 3101.48. The standards for both sections are essentially the same.
2. The subject property is located in an R-1-B zone District, at premises known as 7830-42 Eastern Avenue, and 7800 Alaska Avenue N.W. The site is adjacent to a strip of land zoned C-2-A along Eastern Avenue and Georgia Avenue, N.W.
3. The subject site currently serves as accessory parking for the C-2-A strip which it adjoins. This lot has operated with Board approval since July 20, 1949, under application No. 2385. The last approval of this Board was given by Order No. 12004, dated October 21, 1975.
4. The lot accommodates approximately eighty vehicles, and operates as a self-park facility. The applicant proposes the continuation of the lot in this fashion.
5. The Eastern and Georgia Avenue frontages of the subject square that are located in the C-2-A zone District have a depth of approximately one hundred feet. The depth of the commercial zoning is not adequate to provide parking for those commercial entities located therein, since the entire C-2-A strip is covered by the commercial businesses.

6. The parking spaces are in an open area and are located in their entirety within 200 feet of the C-2-A area to which they are accessory. They are contiguous to, or are separated only by an alley from the C-2-A uses.

7. The applicant testified that the lot is used strictly as short-term parking for the adjacent C-2-A uses, with no all-day parking provided. There is no charge for parking. The lot is open on weekend for neighborhood church parking, as well as for surrounding residents.

8. There is no vehicular entrance or exit within twenty-five feet of a street intersection.

9. The applicant's testimony revealed that there is an attendant who polices the area, and also helps to minimize noise and activity, as well as assist the traffic flow. The lot has operated in compliance with the Board's previous approval, without complaints from any of its users or surrounding residents.

10. The Department of Transportation, by memorandum dated March 27, 1981, reported that the parking lot was used for customer parking by the applicant and other neighboring businesses, and was observed to be clean and in good physical condition. The Department had no objections to continuation of the parking lot. The Board concurs with the findings and recommendations of DOT.

11. There was no report of Advisory Neighborhood Commission 4A on this application.

12. Neighbors, Incorporated testified that the lot is well operated and maintained and recommended approval of the application. A petition in support of the application was also filed, on behalf of surrounding residents.

13. Ms. E. Patricia Hallman, an adjoining property owner at 1121 Kalmia Road, N.W., supported the application at the public hearing, on the grounds that the lot has been well maintained and has operated rather orderly. Ms. Hallman did voice concern over the noise factor on the lot on an irregular basis. The attendant testified that the lot sometimes become crowded on Friday and Saturday evenings and patrons might blow their horns more or talk louder than usual, but that every effort would be made to curtail this noise in the future. The Board finds that some noise is inevitable, but that the weight of the evidence and testimony is that this lot is not objectionable.

14. There was no 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 application meets the standards for the granting of the requested special exception. The lot is located within 200 feet of the adjacent existing C-2-A commercial district, and is separated only by an alley from such commercial district. The parking lot does not create dangerous or otherwise objectionable traffic conditions. The Board further concludes that the parking facility will not adversely affect the present character or future development of the neighborhood. The lot is vital to the operation of the adjoining commercial corridor. The operation of the lot is in harmony with the general purpose and intent of the Zoning Regulations. Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the last Certificate of Occupancy, namely until October 21, 1985.
- 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.
- 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: 5-0 (William F. McIntosh, Douglas J. Patton, Charles Norris  
Ruby B. McZier and Connie Fortune to GRANT).

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

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 10 AUG 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.