

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13523, of American Federal, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot in an R-4 District at the premises rear 211-215 - 3rd Street, S.E., (Square 762, Lot 828).

HEARING DATE: July 22, 1981

DECISION DATE: July 22, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-4 District in the square bounded by Pennsylvania Avenue, 2nd, 3rd and C Streets, S.E. The subject property has no street frontage and is known as rear 211-215 - 3rd Street, S.E.
2. The site is bounded on its west and south sides by twenty foot public alleys. Access to the street is by way of a fourteen foot alley leading to 3rd Street.
3. The subject property is improved and is being used as a parking lot without a certificate of occupancy.
4. The property has been used as a parking lot for many years. It was last approved by the BZA in Application No. 12417, by Order dated July 25, 1977. That approval was for a period of five years beginning November 13, 1975 and ending November 13, 1980.
5. The subject property has a thirty-four foot depth north to south, and is approximately thirty-three feet wide. The lot accommodates eight cars, parked facing north-south in two rows of four cars each. Access is directly onto the lot from the public alley from 3rd Street.
6. The lot is used by employees of the branch of Perpetual American Federal Savings and Loan Association located at 300 Pennsylvania Avenue, S.E., located one block away. The lot is primarily used by car pool vehicles. The lot is marked for the private use of the savings and loan. Customer parking for the savings and loan is located on the same premises as the office.
7. Because the lot is used for all day parking, there is a limited amount of traffic in the alley generated by this lot.

8. The lot is left open for use by neighboring residents in the evenings and on weekends.

9. The lot has no attendant and has no on-site lighting. There is a light located on the adjoining public alley which illuminates the site.

10. The lot is paved with an all-weather impervious surface and meets the other conditions of Article 74.

11. The lot is bordered on the east and north by the garages of a group of townhouses fronting on 3rd Street, S.E. Across the alley to the south and west are private garages and a parking area which serves an apartment building fronting on C Street, S.E.

12. The D.C. Department of Transportation, by memorandum dated July 22, 1981, reported that it had identified no adverse effects caused by the parking lot, and supported continued use of the lot for carpooling.

13. Advisory Neighborhood Commission - 6B, by letter dated July 21, 1981, advised the Board that the ANC had heard no neighborhood opposition to the lot, and therefore supported its continuation.

14. The Zoning Committee of the Capitol Hill Restoration Society, by letter dated July 20, 1981, supported the application, noting that the proposal is for a use that is compatible with the neighborhood and not annoying to local residents. The Society did note that the existence of trash and broken bottles on the lot has been a problem, particularly following the weekend.

15. A representative of the applicant testified that he was unaware of the trash problem, and that he would make a more concerted personal effort to see that the lot was kept clean.

16. 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 it 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 lot is reasonably necessary for and convenient to the applicant's office one block away. The lot meets the standards of Article 74 and does not create objectionable conditions.

The Board 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 shall be for a period of FIVE YEARS from the date of this Order.
- b. The lot shall be policed on a daily basis.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris.
- g. 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.
- h. 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 (Douglas J. Patton, Charles R. Norris, Connie Fortune, William F. McIntosh and Lindsley Williams to GRANT).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 15 OCT 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 REGULATIONS."

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.