

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13527, of Marshall B. Coyne, 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-B District at the premises rear of 925 - 25th Street, N.W., (Square 28, Lot 878).

HEARING DATE: July 22, 1981
DECISION DATE: July 22, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District in the square bounded by New Hampshire Avenue, I, 25th, K and 24th Streets, N.W. The subject property has no street frontage and is known as rear 925 - 25th Street, N.W.

2. The subject property is bounded by public alleys along three-fourth of its sides. It is vacant and unimproved and used as a parking lot. Access to the parking lot is by way of public alleys leading through Snow's Court to 25th Street.

3. To the south of this lot and separated by a ten foot alley are the rear yards of a group of row dwellings which front on I Street, N.W. West of the parking lot is a twenty foot wide public alley and the rear yards of other houses which front on 25th Street, N.W. North of the property is a thirty foot alley and a nine story apartment building. In addition there are a number of small row dwellings on alley lots in the interior of Square 28.

4. The subject lot is approximately 11,900 square feet in area and accommodates twenty-three cars.

5. The applicant seeks to continue the parking lot which serves as accessory parking for an apartment house located at 925 - 25th Street, N.W. It is not a commercial parking lot. Residents are assigned a particular parking space.

6. The subject parking lot was first permitted by the BZA under BZA Order No. 6699 in 1962. In application No. 12626, by Order dated June 15, 1978, the Board granted the applicant a conditional continuance of the subject lot for a period of three years.

7. The lot is paved, lined, fenced and appears to comply with all the conditions of the Board's previous Order and the Zoning Regulations.

8. The amount of traffic generated by the lot is relatively small and does not adversely effect the alley system in the square.

9. The Department of Transportation, by memorandum dated March 6, 1978, stated that it had reviewed the application and no adverse impacts have been identified. The parking lot was observed to be clean and in good condition. The Department had no objection to granting of the application.

10. There was no report from Advisory Neighborhood Commission - 2A.

11. The Foggy Bottom Mews Condominium Association, representing owners of units at 900 - 24th Street, N.W., submitted a letter to the record in support of the application for use of the lot as residential parking.

12. A tenant of the building at 925 - 25th Street testified at the hearing that the lot is kept clean of trash and debris and in good condition.

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 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 Board concludes that the operation of the lot has not created dangerous or objectionable traffic conditions and the continuance of this parking lot for a limited period will create no dangerous or otherwise objectionable traffic conditions nor will the present and future development of the neighborhood be affected adversely. The subject lot is reasonably, necessary and convenient to the apartment building located at 925 - 25th Street.

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 THREE 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. The applicant shall maintain the fence surrounding the lot in a neat and repaired condition.
- c. The parking lot shall be used only to serve residents of the adjoining building, located at 925 - 25th Street, N.W.
- d. Parking shall be restricted to the twenty-three spaces as shown on the parking plan marked as Exhibit 4 in the record. No vehicle shall be permitted to park in any driveway or accessway on the lot.
- e. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- f. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- g. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- h. 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.
- i. 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.
- j. 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: 3-0 (Charles R. Norris, William F. McIntosh and Connie Fortune to GRANT; Douglas J. Patton and Lindsley Williams not present, not voting).

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

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

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FINAL DATE OF ORDER: 14 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 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.