

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13562 of Vito Palumbo, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all-day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 816 - 4th Street, N.W., (Square 516, Lot 840).

HEARING DATE: September 23, 1981
DECISION DATE: October 7, 1981

FINDINGS OF FACT:

1. The subject application was on the Preliminary Calendar for the public hearing of September 23, 1981. The affidavit filed in the record attested that the property was posted for six days prior to the public hearing instead of ten days as required under the Supplemental Rules of Practice and Procedure before the BZA. The applicant testified that he erred in filling out the date of posting on the affidavit of posting and that the property was indeed posted for the required ten days. The Chair ruled that proper notice had been given.

2. The subject site is located on the west side of 4th Street between Massachusetts Avenue and Eye Street and is known as premises 816 - 4th Street, N.W. It is in an SP-2 District.

3. The Board, in Order No. 12376, issued July 19, 1977, approved the continuation of the parking lot for a period of four years.

4. The subject lot is 1,995 square feet in area. It has space for thirteen cars. The lot has an attendant. Its hours of operation are from 8:00 a.m. to 6:00 p.m.

5. All thirteen spaces are leased on a monthly basis. All thirteen cars are parked all day. The lessees of the spaces work in the immediate area of the lot. The lessees are car poolers.

6. To the immediate north of the subject lot on Fourth Street are six vacant lots. Four of the lots are paved and used as parking lots. The remaining two lots are vacant and partitioned off from the subject parking facility. To the

immediate northwest is a two-story residence, adjoined by an additional vacant lot. The Chester Arthur office building is at the corner of Fourth and Eye Streets, N.W. To the south, adjoining the subject lot, are two vacant lots which are used as a private parking lot for the customers of Palumbo and Sons, the family of the owner of the subject lot, a wholesale leather establishment on Massachusetts Avenue. Two blocks further south at Fifth and G Streets is the Judiciary Square Metro station. To the east across Fourth Street, a two-lane, southbound one-way street, is a parking lot and one residential structure. To the west are the rear yards of commercial establishments and apartments which face Massachusetts Avenue.

7. There are no retail shops in the area which would attract short term parkers. The other parking lots in the area are always filled and they attract all commuter parking.

8. The applicant has received no complaints about the operation and maintenance of the lot.

9. The lot is cleaned daily.

10. The lot is available for neighborhood use when it closes at night and during the weekends. The applicant business owner also parks his company truck on the lot during these non-business hours.

11. An adjoining property owner objected to the application on the grounds that parking lots are a detriment to the revitalization of the neighborhood. She testified that she would like to fix-up her house and move back to the District of Columbia but financing was difficult to obtain because of the undersirable uses in the immediate neighborhood. The Board finds that the subject lot is a small facility, with only thirteen spaces. No direct negative affect can be attracted to this lot. The Board further finds that the Zoning Regulations for an SP District require the gradual phasing out of surface parking lots. The Board finds that continued use of this lot for a short term period would not adversely affect the long range future development of the area.

12. The applicant has no immediate plans for the future use of the subject site.

13. Advisory Neighborhood Commission - 2C made no recommendation in the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of

which requires proof of compliance with Paragraph 4101.41 of the Zoning Regulations. The Board notes the location of the lot, the limited number of parking spaces and the absence of stable residential neighborhoods in the immediate vicinity of the site. The Board is of the opinion that the continuation of this parking facility will not create any dangerous or otherwise objectionable traffic conditions. The Board concludes that the present character and future development of the neighborhood will not be adversely affected. The lot is reasonably necessary and convenient to the other uses in the vicinity.

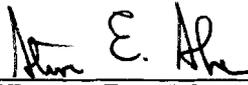
As to the variance from the all-day commuter parking, the Board concludes that based on Finding No. 7 this variance can be granted. The Board further concludes that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED in its entirety SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of two years from the date of expiration of the previous certificate of occupancy, namely July 19, 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 or wheel 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: 5-0 (Douglas J. Patton, William F. McIntosh, Charles R. Norris, Walter B. Lewis, 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: 21 DEC 1991

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.