

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13604, of Scripps-Howard Newspaper, pursuant to Sub-section 8207.2 and Paragraph 8207.11 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 HR/SP-2 District at the premises 1213 L Street, N.W., (Square 283, Lot 825) and 1217 L Street, N.W., (Square 283, Lots 806, 807 and 824).

HEARING DATE: November 18, 1981

DECISION DATE: November 18, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject lot 825 is located at the northwest corner of the intersection of L and 12th Streets, N.W. and is known as 1213 L Street, N.W. The subject lots 806, 807 and 824 are located on the north side of L Street between 12th and 13th Streets, N.W. and are known as 1217 L Street, N.W. Both sites are in an SP-2 District.
2. A row structure known as 1215 L Street separates the two subject site. The subject parking lots are surrounded by apartment houses, flats, rooming houses, a school and an office building.
3. The BZA granted permission for the use of 1213 L Street and 1217 L Street as parking lots in BZA Order No. 11286, dated June 12, 1973. Both were original granted for five year periods. Most recently, approval to continue the lots was granted for one year by BZA Order No. 13120, dated July 28, 1980.
4. On October 5, 1978, when the SP Regulations were amended, the properties were operated under Certificate of Occupancy No. B-111714 and B-111715, both of which expired on September 11, 1979.
5. The applicant leases both parking lots to Atlantic Garage Inc., which sub-leases the properties to the U.S. Catholic Conference which is located at 1312 Massachusetts Avenue, N.W. The U.S. Catholic Conference uses the lot exclusively for its employees.

6. The lot at 1213 L Street has a capacity for twenty-seven parking spaces. The lot at 1217 L Street has a capacity for nineteen parking spaces. The lots are non-attendant lots. The entrances to both lots are chained off and admission is through a key to the lock on the chain fence. The employees of the U.S. Catholic Conference park all day on the lots. The lot is open from 8:30 a.m. to 5:30 p.m.

7. The sub-lessee is responsible for the maintenance and the cleaning of the lot. The lot is cleaned three times a week. All complaints concerning the lot operation are directed to the sub-lessee. The sub-lessee testified that it had received no complaints.

8. The applicant testified that it has complied with all the conditions of the Board's prior Orders and that the lots are in compliance with Article 74 of the Zoning Regulations. The Board so finds.

9. The applicant testified that the area surrounding the subject site contains very few retail uses and does not generate enough need for short-term parking to make operation of this lot economically feasible on that basis alone. The Board so finds.

10. The applicant testified that it is in the process of contacting persons who might desire to acquire the lot. However, the present adverse economic climate has hindered these efforts. The negotiations for the sale of the property recited in Finding No. 8 of the prior Order BZA No. 13120 were not consummated.

11. Advisory Neighborhood Commission 2C made no recommendation on the application.

12. There was no opposition to the application at the hearing or of record.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception and a variance. The Board concludes that the application as to the special exception, meets the requirements of Paragraph 4101.41 of the Zoning Regulations. The operation of the lot is so designed that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions and that the present character and future development of the neighborhood will not be affected adversely by its use. The Board further concludes that the special exception relief can be granted as in harmony within the general purpose and intent of the Zoning Regulations and will not affect adversely the use of adjoining property.

As to the variance, the Board concludes that the requested variance is a use variance, because the variance requested relates to the manner in which the parking spaces will be used. In order to grant a use variance, the applicant must demonstrate that there is an undue hardship upon the owner arising out of some unique or exceptional condition of the property. The Board concludes that the subject site has no reasonable use other than the continuation of the existing parking facility. The Board concludes that there are not sufficient facilities in the area to generate enough demand for short-term parking and that restriction of use of the lot to other than commuter parking only would create a hardship for the owner.

The Board further concludes that the variance can be granted without substantial detriment to the public good and without sub-stantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The proposed parking lot use because of its nature of operation will not adversely affect the present character and future development of the neighborhood. Therefore, this use, as further conditioned by this Order, is appropriate for the site.

The subject Paragraph 4101.41 of the Zoning Regulations provides that a parking lot in existence on October 5, 1978 under approval by the BZA may be permitted by the Board to continue in existence for a period not to exceed four years from the date that the present Certificate of Occupancy expires.

Accordingly, it is ORDERED that the application is GRANTED in its entirety, SUBJECT to the following CONDITIONS:

- a. Approval shall be until September 11, 1983.
- 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 or confined to the
surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Charles R.
Norris, William F. McIntosh 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: APR 12 1982

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 OR
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.
