

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13670, of NS&T Bank, sole substituted Trustee of Alonzo O. Bliss Properties, 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 a variance from the prohibition against all-day commuter parking (Paragraph 4101.413) in an SP-2 District at the premises 600 - 3rd Street, N.W., (Square 530, Lot 1).

HEARING DATES: February 10, 1982 and April 14, 1982
DECISION DATE: May 5, 1982

FINDINGS OF FACT:

1. The application was first scheduled for the Public Hearing of February 10, 1982. The Board continued the case to the public hearing of April 14, 1982 since the applicant had not complied with Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA in that it had failed to post the subject property at least ten days before the scheduled public hearing. The applicant had not posted the property at all prior to the February 10, 1982 hearing. The property was properly posted for the April 14, 1982 hearing.

2. The subject site is located at the northwest corner of the intersection of 3rd and F Streets, N.W. and is known as premises 600 3rd Street, N.W. It is in an SP-2 District.

3. In BZA Application No. 11814, the Board, by Order dated January 5, 1976 approved the continuation of the parking lot for a period of five years. By letter of December 3, 1980 the applicant was advised by the Zoning Inspection Branch that the Certificate of Occupancy would expire on January 5, 1981 and that he should file a new application prior to the expiration date. The application was filed on September 2, 1981, approximately nine months after the Certificate of Occupancy had expired. None of the applicant's witnesses were able to offer any evidence of good cause for such a delay. It appears that management of the lot had recently changed and none seemed to have taken the responsibility for the operation of the lot from a zoning aspect.

4. The site measures eighty-three feet by twenty-six feet. It provides accommodations for approximately twenty

cars. The uses surrounding the lot are devoted primarily to Government office buildings such as the Courts, the Municipal Center and the General Accounting office. There are a few residences in the area. There are few if any, retail shops that would generate short-term parking.

5. The subject parking lot is open between 7:00 A.M. and 5:30 P.M. There is no attendant. The cars are self-parked. Approximately ninety-five percent of the parkers are commuter parkers and approximately ninety percent of those have monthly contracts. The subject lot primarily services policeman working at the Municipal Center. The lot is not secured at night.

6. The pictures in the file of the parking lot at the time of the public hearing evidences that there were wheel stops tossed about in public space, there were no lines delineating the parking spaces and there was refuse and debris on the lot and on the public space. Photos submitted prior to the decision date evidenced that the lot had been cleaned and wheel stops were in their proper places. The applicant was complying with the other conditions of the prior Order of the Board.

7. The applicant has no immediate plans to develop the lot. It testified that the current economic terms were not conducive to such development.

8. The application was referred to the Department of Transportation for its report. No report from the DOT was received in the record.

9. There were no letters of record in favor or opposed to the application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception and a variance. The Board concludes that, as to the special exception, with emphasis on the admonitions the Board gave to the applicant at the public hearing, the applicant can meet the requirements of Paragraph 4101.41 of the Zoning Regulations. The operation of the lot can be so designed that it is not likely to become objectionable to adjoining 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 as hereinafter conditioned, 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 at the present time has no reasonable use other than the continuation of the existing parking facility. The Board further 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 substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 January 5, 1984.
- 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 are confined to the surface of the parking lot.

VOTE: 3-0 (Douglas J. Patton, Connie Fortune and William F. McIntosh to GRANT; Walter B. Lewis and Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

AUG 31 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 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.