

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13697 of David H. Scull and Irene O. Rosenthal, 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 SP-2 District at the premises 1109-1123 - 10th Street, N.W. (Square 369, Lots 817, 818, 819, 22, 50, 845, 53, 851, 852, 847, 815, 856 and 54-58).

HEARING DATE: March 10, 1982  
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The subject property is located on the north east corner of 10th and L Streets, N.W. and is known as premises 1109-23 10th Street, N.W. It is zoned SP-2. The property has approximately ninety-five feet of frontage on L Street and 230 feet of frontage on 10th Street.

2. The subject property is currently operating as a parking lot pursuant to BZA Order No. 13469, dated August 3, 1981. The Board's approval under Order No. 13469 was limited to a period of one year. Previous Board approval of this lot was pursuant to BZA Order No. 12035, dated January 5, 1976.

3. Land uses in the subject square include vacant lots, a single family residence, abandoned housing, an eight-story apartment building with parking, a construction staging area for the Convention Center, a liquor store with parking, an abandoned business, an open parking lot, and Family and Child Services. Surrounding blocks include vacant and inhabited housing, an electrical supply store with parking, a carry-out with parking, a Chinese Community Church, Samuel Gompers Park and a PEPCO sub-station.

4. The ownership of the subject parking is divided between Irene O. Rosenthal, who owns 19,807 square feet, and Ten-L Joint Venture, which owns the remaining 5,858 square feet. David H. Scull is the managing partner of Ten-L Joint Venture.

5. Mr. John Kyle, a real estate salesman, testified that the applicants have listed the subject premises with his firm since June 1, 1981 and that efforts are being made

to sell the property for future development. Until such time as a sale is possible, the applicants are requesting a continuance of the present parking facility as it currently exists.

6. Mr. Jerome Golub, the owner of approximately 85,000 square feet in the subject block, testified that, in his opinion, the development of the subject premises would only be feasible in conjunction with his property. Mr. Golub further testified that he was offered the opportunity to purchase the subject property but declined because of the high price per square foot.

7. The applicants testified that the small size of the lot and their inability to market the property prevents the development of the lot at this time. The applicants testified further that due to general economic conditions inhibiting development, the lot would remain vacant if the parking lot use were not allowed to continue.

8. The operator of the lot testified that the immediate neighborhood does not serve to generate demand for short-term parking. Both the operator and attendant testified that all of the parking on the lot is all-day commuter parking. Both testified that there are at least twenty-five percent vacancies in the parking lot. The majority of uses surrounding the site are residential or neighborhood commercial uses which provide their own parking.

9. Ample parking exists in the area to serve the needs of neighborhood type facilities in the vicinity of the subject lot.

10. The lot operates as an attendant lot Monday through Friday, from 8A.M. to 6 P.M., and accommodates approximately one hundred and twenty-five vehicles.

11. Even with minimal charge for all-day parking, there is still a twenty-five percent vacancy rate on the lot.

12. There is no record of complaints about the operation of the lot, or of any dangerous or objectionable traffic conditions resulting from the lot.

13. The application was referred to the Office of Planning and Development. No report from the OPD was received in the record of the case.

14. There was no report from the Advisory Neighborhood Commission 2C on this application.

15. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception, the Board concludes that the applicant has substantially complied with the requirements of paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to effect adversely the use of neighboring property. As to the variance to permit all-day commuter parking, the Board concludes that such is a use variance, which requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that the subject parking lot is used for commuter parking primarily and that the other uses in the near vicinity of the subject parking lot do not generate sufficient short-term parking needs to allow the lot to be operated without all-day parking. The Board concludes that since part of the subject property is leased for commuter parking and that the physical location of the parking lot precludes its use by short term parkers, the hardship is inherent on the property.

Accordingly, it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

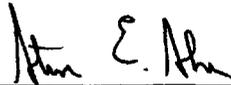
- a. Approval shall be for a period terminating on January 5, 1985.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all 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 structures or 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: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT; Douglas J. Patton 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: JUL 16 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.