

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13702, of NS & T Bank, National Association, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate a parking lot in an R-1-B District at the premises 1200 Tewksbury Place, N.W., (Square 2945, Lot 850).

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

FINDINGS OF FACT:

1. The subject property is located at 1200 Tewksbury Place, N.W. It is zoned R-1-B.
2. There are public alleys to the east and south of the subject property.
3. By Order No. 5929, the Board permitted the creation of the subject accessory parking lot in 1960. Subsequent BZA Orders approved the continuation of the operation of the subject parking lot for five year periods.
4. The property is currently operating as an accessory parking lot pursuant to BZA Order No. 12877, dated April 19, 1979, which approved the continuation of this use for a period of three years.
5. The subject lot is used by customers and employees of the branch of NS & T bank located at 6422 Georgia Avenue, N.W., which is separated from the subject lot by an alley.
6. The subject lot has a capacity for thirty-two cars. It is unattended.
7. The applicant has no plans for future development of the lot other than its present use.
8. The applicant testified that the lot is cleaned three times a week. The Board notes that Condition "b" of BZA Order No. 12877 stated, "The lot shall be cleaned on a daily basis."
9. The applicant testified that the lot is used for overflow parking from the Bonanza Restaurant located nearby when the bank is not in operation. The lot is not chained off at any time.

10. There was one letter of opposition on file from a Mrs. M. Marzo who lives adjacent to the lot. Mrs. Marzo objected to the trash on the lot and sidewalk, two large trucks parked on the lot, and two people repairing their cars on the lot. In response to Mrs. Marzo's concerns, the representative of the applicant testified that a problem with trash trucks parking on the lot overnight had occurred approximately one year before, that he has contacted the trash company and that the trucks no longer use the lot. The applicant also testified that the only other trucks which park on that lot are pick-up trucks belonging to customers. With regard to car repairs on the lot, the representative of the applicant stated that he was not aware of the lot ever being used for that purpose and that it would not be allowed. The applicant concurred with Mrs. Marzo's statement referring to trash on the lot and confirmed, by letter dated March 16, 1982, that the lot would be inspected and cleaned on a daily basis.

11. The Department of Transportation, by memorandum dated March 2, 1982, offered no objection to the continued use of the subject lot.

12. Advisory Neighborhood Commission 4A, made no recommendation on the application.

13. There was no opposition present at the public hearing.

CONCLUSION OF LAW AND OPINION:

Based on the findings of fact and the record, the Board concludes that the application is seeking a special exception, the granting of which requires proof of compliance with Paragraph 3101.48 of the Zoning Regulations. The Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.48. The Board notes that the letter from a neighbor referenced in Finding of Fact No. 10 raises specific concerns, but does not object to the continuation of the lot. The Board concludes that the granting of this special exception, as conditioned, will remedy those concerns.

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 will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of TWO YEARS from the expiration date of the Board's previous Order #12877, namely until January 8, 1984. The approval may be renewed at the discretion of the Board upon the filing of a proper application.

- b. The parking lot is to be closed after 5 P.M. daily and all day on Saturday and Sunday and must be secured with a chain or cable when not in operation so as to prevent unauthorized access.
- c. No trucks shall be allowed to park on the lot except for when the occupants thereof are doing business with the bank.
- d. No repair of motor vehicles shall occur on the lot.
- e. The lot shall be inspected for debris and trash twice daily, once in the morning and once before closing, and the lot shall be kept free of such refuse and debris at all times.
- f. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- g. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- h. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- i. 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.
- j. 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.
- k. 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, William F. McIntosh, Connie Fortune 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
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.