

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13720, of Angelo A. Puglisi, 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 1317-21 L Street, N.W., (Square 247, Lots 800, 56, 57 and 82).

HEARING DATE: April 14, 1982  
DECISION DATE: May 5, 1982

FINDINGS OF FACT:

1. The subject property is located on the north side of L Street between 13th and 14th Streets and is known as premises 1317-21 L Street, N.W. It is in an SP-2 District.
2. The subject lot is currently operating pursuant to BZA Order No. 13310, dated January 23, 1981. In that Order, the Board granted the continuance of the lot until June 9, 1981. In that Order, the Board found that the property was subject to an option to allow for its development, that the option would expire in March, 1981, and that if the option was not exercised, the applicant would develop the site with an office building in compliance with the Zoning Regulations.
3. At the subject public hearing, the applicant testified that the option was renegotiated. He had employed the architectural firm of Lockman Associates to do some schematic plans for the development of the site. He had employed the firm of Gladstone Associates to do a feasibility study. The applicant also submitted a letter from the Madison National Bank rejecting either temporary or permanent financing for a proposed development at the site at this time because of the restrictions imposed in an SP-2 District.
4. The applicant was made aware by the Board that under the current Zoning Regulations, the subject lot, if approved by the BZA, could not continue beyond June 9, 1984.
5. The subject lot is approximately 13,700 square feet in area. The lot accommodates approximately fifty-four vehicles, and is an attendant facility. The hours of

operation are from 7:00 A.M. to 6:00 P.M., Monday through Friday.

6. The lot is surrounded by numerous office buildings, including offices for the United Planning Organization and the Federal Law Enforcement Training Center, as well as other office buildings which the lot serves. There are also other parking lots and commercial uses in the area.

7. The applicant testified that the lot is in compliance with all of the requirements of the Zoning Regulations and previous Orders of the Board. The Board so finds.

8. The previous operation of the lot has not adversely affected any of the surrounding uses, and has not created any dangerous or objectionable traffic condition. It is not anticipated that any changes in these conditions will occur. The applicant has received no complaints about the operation or maintenance of the lot.

9. The applicant testified that, given the lot's proximity to office uses, over one half of the spaces are devoted to all-day commuter parking. The applicant therefore seeks a variance from Sub-paragraph 4101.413 of the Zoning Regulations to permit the all-day parking to continue. The applicant testified that he would not have sufficient short term parking to operate the lot if all-day parking were prohibited. The Board so finds.

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

11. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 more than one-half of the subject parking lot is used for commuter parking on a monthly basis 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.

The Board further concludes that with a final time limitation conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. 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 June 9, 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: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Douglas J. Patton to GRANT; 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  
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.