

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13723, of the Estate of Louis Burman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate an accessory parking lot in an R-1-B District at the premises rear of 6400 Georgia Avenue, N.W., (Square 2945, Lot 836).

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

FINDINGS OF FACT:

1. The subject property is located at the rear of premises 6400 Georgia Avenue, N.W. It is located in an R-1-B District.
2. A single family residential area is located to the west of the site, Tuckerman Street to the south and public alleys to the north and east of the site. Access to the subject parking lot is from Tuckerman Street. A brick wall approximately four feet high runs along the south and the west sides of the parking lot.
3. The parking lot is currently operating under BZA Order No. 12253, dated February 18, 1977. In that Order, the Board granted a continuance of the lot for five years.
4. The lot accommodates approximately forty-two cars. It provides off-street parking for the tenants and their customers of the adjacent commercial building at 6400 Georgia Avenue which is in a C-2-A District.
5. The subject lot is located in its entirety within 200 feet of a commercial district and is separated from it by a twenty foot public alley.
6. The applicant testified that the lot is cleaned by one person at least once a week. The applicant further testified that it had received no complaints about the operation and maintenance of the lot.
7. The Department of Transportation, by memorandum dated February 23, 1982, reported that an on-site inspection revealed that some of the parking spaces are unusable because of litter and debris in the parking lot. The DOT

recommended that the lot be cleaned and maintained before any relief be granted by the Board.

8. The Brightwood Community Association, by letter of April 3, 1982, recommended that the application be denied. It reported that members of its organization who reside within 300 feet of the lot have complained that the lot is poorly maintained and that the wall which separates the lot from the residential area is crumbling. The Association enclosed pictures showing the litter, debris and the crumbling wall. The Association also opposed the application on the grounds that the applicant was not a good neighbor. It enclosed letters dated March 27, 1981 and April 17, 1981 addressed to the manager of the subject lot complaining of the conditions of the lot. The Association received no response to the letters.

9. In response to the Department of Transportation and the Association's objections, the applicant testified that it was unaware of these conditions. The applicant agreed to repair the wall at once and to clean-up the lot. The applicant stated that it would take up the matter with the parties who were paid to manage the lot. The Board requested that photos be submitted to the record before the application was decided reflecting the repairs to the wall and the cleaning of the lot. Such was submitted on April 26, 1982 and approved by the Board.

10. Advisory Neighborhood Commission 4A 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, the granting of which requires proof of compliance with the requirements of Paragraph 3101.48 of the Zoning Regulations. The Board further concludes that as hereinafter conditioned, the relief can now be granted as in harmony with the intent and purpose of the Zoning Regulations and that it will not 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 THREE years from the date of expiration of the previous certificate of occupancy, namely February 18, 1982, which may be renewed at the discretion of the Board upon the filing of a proper application.
- 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, Douglas J. Patton, Connie Fortune and William F. McIntosh 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
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.