

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13731 of Page Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-5-B District at the rear of premises 1720 15th Street, N.W., (Square 192, Lots 806 and 807).

Application No. 13732 of Page Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-5-B District at the premises 1511-1519 R Street, N.W., (Square 192, Lots 52, 816, 817, 826, 827, 49 and 50).

HEARING DATE: April 28, 1982
DECISION DATE: May 5, 1982

FINDINGS OF FACT:

1. Applications Nos. 13731 and 13732 were consolidated at the public hearing of April 28, 1982 for the purpose of hearing and decision by the Board and are therefore treated in one Order.

2. Both parking lots serve the tenants and guests of the Chastelton apartment house which is located on the east side of 16th Street between R and S Streets. Both parking lots are to the east of the apartment house. The subject lots 806 and 807 are known as premises 1720 15th Street, N.W. The subject Lots 51, 816, 817, 826, 827, 49 and 50 are known as premises 1511-1519 R Street, N.W. Both parking lots are in an R-5-B District. The apartment house is in an R-5-C District.

3. Other uses nearby include the Scottish Rite Temple, three and four story residential structures and garages for those structures.

4. The two parking lots contain a total of forty-four spaces, including eighteen spaces for Lots 806 and 807 and twenty-six spaces for Lots 52, 816, 817, 826, 827, 49 and 50.

5. The Board, on seven prior occasions in Appeal Nos. 7680, 7837, 8432, 8580, 9128 and Application Nos. 10850 and 12229 has noted that the lots have been operated in

accordance with the approval of the Board and have not adversely affected surrounding properties. In BZA Order No. 12229, dated March 29, 1977, the Board granted permission to continue the parking lots for a five year period.

6. The applicant testified that the lots are maintained free of debris, refuse and potholes and that they are checked daily and cleaned as necessary. The Board so finds.

7. The applicant further testified as to compliance with the provisions of Paragraph 3103.44 and the provisions of Article 74. The Board finds the lot to be in compliance with the aforesaid regulations and that the conditions pertaining to the subject lots have not changed substantially since the issuance of the Board's prior Order.

8. The applicant as the prior resident manager and now owner and an occupant of the Chastleton, testified that she has received no complaints about the operation and maintenance of the lots. In reply to the letters of complaint in the file, the applicant testified that the landscaping is maintained on a yearly contract and reiterated that the lot is cleaned daily.

9. Presently, eight tenants rent monthly spaces while the remaining spaces are available for use on an as needed basis by the remaining tenants and the tenants' guests.

10. Current data from the D.C. Department of Transportation Traffic Volume Map indicates that 18,700 vehicles travel along the 1700 block of 16th Street, N.W. on an average weekday. The Board finds that the traffic generated by a maximum of forty-four automobiles using the subject sites in conjunction with the residential use of the Chastleton Apartments has no adverse affect.

11. The D.C. Department of Transportation, by memorandum dated April 12, 1982, offered no objection to the continuation of the lots.

12. The Advisory Neighborhood Commission 2B, by letter dated April 28, 1982, and the Dupont Circle Citizens Association had no objection to the continuance of the parking lots, but both organizations recommended that the use be permitted for a period of six months and that the use of the lots be designated for current and future tenants. The ANC stated, and the DCCA concurred, that it is concerned that the applicant will expropriate the lot for "hotel guests" even though the BZA has ordered the majority of the building's units not be used for transient purposes. The ANC hopes that within a six month period the Court will have upheld the Board's decision to not allow conversion of the Chastleton to hotel use.

13. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. The Board, in addressing these issues and concerns as well as the common concerns of the DCCA, notes that neither organization is opposed to the continuance of the lots but both request only a six month extension. The Board finds that the matter of the Court litigation is separate and apart from the issues of the subject application. The issue of a conversion to a hotel and the parking spaces related to that hotel is not the same matter to accessory parking for an existing apartment house and is not at issue herein. The Board finds no merit to the very limited continuance of accessory parking where the accessory parking has been in existence for many years by the Board's approval and there has been no change in the circumstances.

14. Two letters of support were filed by tenants of the Chastleton stating that there is an extreme need for parking. Two local residents filed letters stating no opposition to the lot provided it is well maintained and the applicant conforms to the conditions imposed in the grant of the Board's prior Orders.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking special exceptions, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 and that pursuant to Sub-section 8207.2 the relief can be granted as in harmony with the purpose and intent of the Zoning Regulations and that the relief will not tend to affect adversely the use of neighboring properties. The Board concludes that the applicant has met its burden of proof. Conditions in the maintenance and operation of the subject lots have not changed from the Board's prior approvals. The parking lot is reasonably convenient to the Chastleton apartments located immediately adjacent to the site and the use has not resulted in any dangerous or objectionable traffic conditions. The Board concludes that continuing the parking lots will not adversely affect surrounding properties. The Board concludes that both applications are in harmony with the general purpose and intent of the Zoning Regulations, thus meeting the requirements of Sub-section 8207.2.

The Board has accorded "great weight" to the issues and concerns of the ANC. Accordingly, it is ORDERED that both applications are GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of five years from the date of expiration of the previous certificate of occupancy, namely, March 29, 1981, 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: 5-0 (Connie Fortune, William F. McIntosh, Walter B. Lewis, Douglas J. Patton and Charles R. Norris to GRANT).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 24 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."

BZA APPLICATION NOS. 13731 AND 13732
PAGE 5

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.