

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13734, of J. William Lee's Sons Co., 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 310-312 C Street, N.E., (Square 782, Lots 802, 23 and 24).

HEARING DATE: April 28, 1982  
DECISION DATE: April 28, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of C Street between 3rd and 4th Streets and is known as premises 310-312 C Street, N.E. It is in an R-5-B District.
2. The subject parking lot accommodates eight cars. The parking facility serves the parking needs of the applicant's funeral home. It is used for employees and clients and visitors to the funeral home.
3. The subject funeral home has been located at the subject site since 1936. The BZA has granted approval of the subject lot for parking on a five year basis since 1959.
4. The applicant has operated the lot in compliance with all of the conditions of the prior Order of the Board, BZA No. 12309, issued March 24, 1977.
5. The applicant has received no complaints about the operation and maintenance of the subject parking lot.
6. The Department of Transportation, by memorandum dated March 2, 1982, reported that it had no objections to the continuance of the lot to service the funeral home. The Board concurs.
7. The Capitol Hill Restoration Society and the Stanton Park Neighborhood Association by letters dated April 28, 1982, recommended approval of the application on the grounds that the present character and future development of the neighborhood will not be affected adversely, and that the parking lot is reasonably necessary for the funeral home and convenient to residents in the vicinity. Further, no dangerous or otherwise objectionable traffic conditions shall result from the continued use of the parking lot. The

applicant has operated the funeral home and parking lot for many years without any opposition from immediate neighbors. The Stanton Park Neighborhood Association requested that the special exception be granted for five years to allow the community to review the operation of the lot within a reasonable period of time, should for any reason the parking lot become operated by some other entity. The Board concurs in the recommendation of both societies.

8. Advisory Neighborhood Commission 6A, made no recommendation on the application.

9. There was no opposition to the application at the public hearing or of record.

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 substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The Board also notes the strong support for the application from neighboring societies and the DOT recommendation.

The Board further concludes that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it 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 FIVE YEARS from the date of expiration of the previous certificate of occupancy, namely, from March 24, 1982.
- 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, William F. McIntosh, Connie Fortune and Charles R. Norris to GRANT; Douglas J. Patton not present, not voting).

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 19 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.