

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



pplication No. 13755, of Paramount Baptist Church, 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-A District at the premises 3914 4th Street, S.E., (Square 6154, Lot 66).

HEARING DATE: May 26, 1982

DECISION DATE: May 26, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 4th Street between Xenia Street and Condon Terrace, S.E. It is zoned R-5-A.

2. The subject property is presently used for parking for members of the Paramount Baptist Church pursuant to the BZA Order No. 12209, dated February 28, 1977. The applicant proposes to continue the use as previously approved.

3. The lot is rectangular in shape and contains thirty-two parking spaces.

4. The lot is completely surfaced with asphalt in good repair and is not landscaped. The lot is cleaned five days a week and the applicant has not received any complaints regarding the condition of the lot.

5. The lot is surrounded by a chain link fence with sliding gates at the front entrance on Fourth Street and the entrance to the public alley at the rear of the lot. The gates are closed and secured with padlocks at all times that the lot is not in use by the Church.

6. The parking spaces are arranged to park in a position which permits forward egress from the lot to prevent any adverse traffic impacts caused by automobiles backing onto Fourth Street.

7. The applicant testified that the lot complies with all the conditions of BZA Order No. 12209. The Board so finds.

8. The application was referred to the D.C. Department of Transportation as required by Sub-paragraph 3104.444. By memorandum dated April 27, 1982, the DOT advised that it reviewed the subject application and had no objection to the continued use of the parking lot.

9. Advisory Neighborhood Commission 8C made no recommendation on the subject application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The lot is reasonably necessary and convenient to the Paramount Baptist Church which it serves. The use of the lot does not result in dangerous or otherwise objectionable traffic conditions. There are no commercial advertising signs on the lot. The lot complies with the requirements of Article 74.

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 maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- A. Approval shall be limited to the operation of this lot by and for the Paramount Baptist Church.
- 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 appearances.

- 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.
- H. The lot shall be secured at all times that it is not in use by the Church.
- I. Automobiles shall be parked in a position that permits them to proceed out of the lot in a forward direction.

VOTE: 3-0 (Walter B. Lewis, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh and Douglas J. Patton not present, not voting).

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.