

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13780, of Werner G. Puppa, 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 rear 1330 - 22nd Street, N.W., (Square 49, Lots 35 and 36).

HEARING DATE: July 14, 1982  
DECISION DATE: August 4, 1982

DISPOSITION: The Board GRANTED the application, with conditions, by a vote of 4-1 (Lindsley Williams, Douglas J. Patton, Connie Fortune and William F. McIntosh to grant; Charles R. Norris opposed to the motion).

FINAL DATE OF ORDER: November 29, 1982

ORDER

The subject application was granted by the Board subject to ten conditions by its Order dated November 22, 1982. Condition "d" of that Order provides that:

The owner of the lot shall give priority in renting parking spaces to neighborhood residents over commuters as they become available in the initial three year period. After a period of three years, the lot shall be devoted to use by the employees of West End Corporation and residential parking with no other commuter parking permitted."

On January 28, 1985, counsel for the owners of the subject premises filed a motion for modification of Condition "d" of the Order to change "employees of West End Corporation" to "employees of nearby buildings and businesses." The bases for the requested modification were as follows:

- A. The special exception approval was for a period of five years. Two years of that period remain.
- B. The property has been owned by 2217 N Street Corporation at all times since the issuance of the subject Order.

- C. At the time of the Board's decision, the owners of 2217 N Street Corporation were also principals in the West End Corporation.
- D. The ownership of 2217 N St. Corporation has subsequently passed to new owners who who are not affiliated with the West End Corporation.
- E. Parking spaces are no longer needed for employees of the West End Corporation.
- F. There is no need for parking for employees of 2217 N Street Corporation.
- G. The requested modification would return the use of the property to a parking lot for residents and employees of nearby buildings and businesses, as it had been used prior to the subject Order since 1960.
- H. The proposed modification seeks solely to conform the existing special exception to the new ownership.
- I. The modification would further the Board's intent to serve the needs of local businesses, buildings and residents.

Upon consideration of the record, the final order and the motion to modify, the Board concludes that the modification as proposed represents a substantial departure from the material facts upon which the approval of the application was originally based. The Board concludes that it cannot judge the impact of the proposed change in the permitted usage of the lot on the immediate neighborhood without first considering evidence as to whether the use is reasonably necessary and convenient to the neighborhood and whether the use of the lot, as proposed, would result in dangerous or objectionable traffic conditions. The Board therefore, concludes that the requested modification of Condition "d" of its order dated November 22, 1982, cannot be approved, as it would fundamentally alter the nature of the order without any change in the underlying evidence in the record.

The Board notes that two and one half years have elapsed since the issuance of its Order approving the subject parking lot. The Board is of the opinion that a new application setting forth the facts submitted in support of the proposed modification and existing conditions in the neighborhood would be a more appropriate means of seeking the proposed modification modify of order.

Accordingly, it is hereby ORDERED that the request for modification of the Order dated November 22, 1982, is DENIED

DECISION DATE: February 6, 1985

VOTE: 4-0 (William F. McIntosh, Charles R. Norris and Douglas J. Patton to deny; Lindsley Williams to deny by proxy; Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

20 MAR 1985

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 SUPPLEMENTAI RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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