

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

FINDINGS OF FACT:

1. The subject property consists of two small lots separated by a twenty-foot wide alley on the west side of 22nd Street at the rear of premises 1330 22nd St., N.W. It is zoned R-5-B.

2. The subject property has been operated as a parking lot for residents and employees of nearby buildings and businesses since 1960. The most recent Board approval of the parking lot is pursuant to Order No. 12214, dated January 18, 1977, as amended April 21, 1977, which approved the operation of the parking lot for five years.

3. The subject parking lot has a capacity of fifteen parking spaces. The property is under contract for sale to the West End Corporation.

4. The subject property is landlocked and has no direct street frontage. It is accessible via a public alley from 22nd Street. The lots can not be developed for residential purposes because they lack street frontage.

5. The contract purchaser proposes to continue to use the property for parking purposes. It is the contract purchaser's intention to provide parking for employees of the West End Corp. and to lease the remaining spaces on a monthly basis. Because the lot serves residents and commuters, the lot is not expected to generate "in-and-out" traffic. The contract purchaser testified that he had no objection to leasing, at market rates, spaces to residents on a preferential basis as such spaces become available. However, West End Corporation does desire that its employees be able to use the lot.

6. Uses surrounding the subject lot include a seventeen-space parking lot used exclusively by the

Georgetown Overlook Condominium, three single family residences, apartments, and National Park Service property to the immediate west.

7. All conditions of the Board's prior order have been complied with, the lot is maintained on a weekly basis, and the lot has recently been restriped and the wheel stops refurbished. There is a sign on the lot indicating the name and telephone number of the owner to call for complaints or to lease spaces. The applicant has received no complaints concerning the operation of the subject lot.

8. There are no commercial advertising signs posted on the site. There has not been and will not be a building located on the site. The lot contains no landscaping.

9. The representative of the applicant testified that there are no dangerous or otherwise objectionable traffic conditions created by the lot, and there will be no adverse impact on the present character and future development of the neighborhood. The Board so finds.

10. The lot operator representing the contract purchaser testified that said purchaser intends to continue the use of the site as a parking lot and that all conditions or requirements of the Board will be met and that the provisions of Article 74 will be complied with. The parking lot operator and other employees of the West End Corporation will be parking on the lot and therefore the lot will be inspected daily and policed as needed.

11. The lot operator representing the contract purchaser also testified that it was West End Corporation's intention to resurface the lot and the President of West End testified that said Corporation will request the Department of Transportation to resurface the existing alley at the District's expense and will fill in open potholes if permitted to do so by the District government at the Corporation's expense.

12. By memorandum dated April 23, 1982, the D.C. Department of Transportation offered no objection to the continuation of the subject parking facility but recommended that the lot be restriped to delineate each parking space and that the applicant re-install and position posts, chain link fence and wheel stops that have been knocked out of alignment by cars using the lot.

13. The representative of the applicant testified with regard to the Department of Transportation report that the restriping of the lot and realignment of the wheel stops has been completed. The Department of Transportation report also noted that a fence abutting the site should be repaired. The representative of the applicant testified

that the National Park Service is the owner of the fence, and that the Park Service has been contacted concerning this matter.

14. The owners and residents of single family residences adjacent to the lot submitted a petition, received July 8, 1982, offering no objection to the continuation of the parking lot.

15. The president of the Board of Directors and the property manager of the Georgetown Overlook condominium testified at the public hearing regarding the concerns of the Condominium Association. The Condominium Association objected to poor maintenance of the lot and damage caused by the use of their private driveway by users of the lot who wish to avoid use of the public alley which is in poor repair. The Association did not object to the continued use of the property for parking purposes subject to the following conditions:

- a. That the applicant pay one-half of the cost of repairing the driveway.
- b. That the applicant block access to the parking lot from the private driveway with posts and a chain or other suitable obstacle or pay one-half of future costs to maintain the driveway.

The Board notes that it does not have jurisdiction to resolve the financial dispute between the applicant and the Condominium Association. The Board further notes that the Condominium Association did not oppose the continuation of the parking lot.

16. Advisory Neighborhood Commission 2-B, by letter received July 14, 1982, recommended that the application be granted for a period of two years subject to the following:

- a. Maintenance and repair be on a regular basis;
- b. The lot should be used solely as a neighborhood facility and not for commuter parking;

17. The Board is required by statute to give great weight to the issues and concerns of the ANC, where a written resolution of the ANC is submitted. The Board notes that in view of the prior history of the the lot, evidencing no objectionable or adverse effects the ANC's recommendation that approval be restricted to two years has no basis. The Board further notes that approval of the application as hereinafter conditioned will give priority to residential parkers and after three years will be limited to the use of employees of the West End Corporation and residents of the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the finding 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 compliance with Paragraph 3101.44 and Sub-section 8207.2 of the Zoning Regulations.

The Board concludes that the applicant has so complied. The parking lot is reasonably necessary and convenient to the neighborhood. The use of the lot has not resulted in dangerous or objectionable traffic conditions. There are no commercial advertising signs on the lot. The lot complies with the conditions of Article 74.

The Board concludes that it has given the issues and concerns of the ANC the great weight to which it is entitled and notes the conditions hereinafter imposed. 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 map and will not tend to affect adversely the use of neighboring property. It is therefore 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 prior order, namely, from April 21, 1982.
- b. Access to and from the parking lot shall be via the public alley from 22nd Street only.
- c. The applicant shall post a sign on Lot 35 or 36 setting forth the name and telephone number of the operator and the commercial rates of the parking lot. The sign shall not exceed 24 inches by 12 inches in size.
- d. 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.
- e. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of materials forming an all-weather impervious surface.

- f. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- g. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- h. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped.
- i. 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.
- j. 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: 4-1 (Lindsley Williams, Douglas J. Patton, Connie Fortune and William F. McIntosh to grant; Charles R. Norris opposed to the motion).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

NOV 22 1982

FINAL DATE OF ORDER: _____

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.