

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13804, of Louis Kabran, Trustee, 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 5001-09 New Hampshire Avenue, N.W., (Square 3403, Lots 801 and 12-16).

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

FINDINGS OF FACT:

1. The subject property is located on the east side of New Hampshire Avenue between Farragut and Gallatin Streets, N.W. and is known as premises 5001-09 New Hampshire Avenue, N.W. It is zoned R-5-A.
2. The subject property has been used for parking purposes for approximately forty years and with BZA approval since 1958. The parking lot is presently being operated pursuant to the Board's Order No. 12435, dated July 27, 1977.
3. The subject lot has spaces for forty-seven automobiles, and is approximately 17,200 square feet in area. It is bounded on the north and east by a public alley, on the south by Farragut Street and on the west by New Hampshire Avenue.
4. The applicant proposes to continue to operate this facility as free parking to serve the needs of the customers of a neighborhood shopping facility consisting of a dry cleaning establishment, a supermarket, a liquor store, a coin laundry, a bank and a pharmacy which are located in a C-1 District to the east of the subject property.
5. The parking facility is not chained or secured during the hours it is not in operation. It is posted with signs which read "No Overnight Parking - Towed at your own Risk" to prevent unauthorized nighttime parking.
6. The applicant testified that there have been no complaints regarding the parking facility, that the lot is swept every morning and checked for debris every afternoon and that all conditions of BZA Order No. 12435 have been complied with.

7. The D.C. Department of Transportation, by memorandum dated May 27, 1982, stated that it has observed the lot to be used by customers of the adjacent businesses, that the lot is cleaned and well maintained and that the DOT has no objection to the continuation of this use. The Board so finds.

8. Advisory Neighborhood Commission 4D made no recommendation on this application.

9. There was no opposition to the granting of this 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 compliance 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 businesses which it serves. The use of the lot does not result in dangerous or 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 followings CONDITIONS:

- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the Board's prior Order, namely from July 27, 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.
- h. No commercial advertising signs shall be permitted.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton and Charles R. Norris to GRANT; William F. McIntosh 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:

OCT 12 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.