

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13811 of James B. Vito, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.43 to continue to operate a parking lot in an R-4 District at the premises rear 416 - 4th Street, N.E., (Square 780, Lot 62).

HEARING DATE: September 8, 1982
DECISION DATE: October 6, 1982

FINDINGS OF FACT:

1. The subject property is an alley lot located at the rear of 416 - 4th Street, N.E. between D and E Streets. It is zoned R-4.
2. The site is bounded by a fifteen foot public alley on the north, a twenty-five foot public alley on the south, a ten foot public alley on the east and a thirty foot public alley on the west.
3. The subject lot is presently used as a parking lot, accommodating seventeen vehicles. The applicant desires to continue this use for a period of two years.
4. The subject site was first approved by the Board for use as a parking lot pursuant to BZA Order 12061, dated April 7, 1976. The parking lot was most recently approved by the Board by Order No. 13498 dated September 18, 1981, for a period to expire on April 7, 1982.
5. The spaces are leased on a month-to-month basis to employees of the University of Chicago and Capitol Hill Media which are located nearby. The lessees of the spaces are in-office employees and there is little in-and-out movement of the vehicles during the day.
6. The lot is open evenings and on weekends to provide parking for nearby residential uses. There is a shortage of on-street parking in the area to serve residents and employees.
7. The operator personally checks the lot two or three times per day. The lot is well maintained, the parking spaces are clearly marked, illegally parked cars are towed, and there is a sign on the property which provides

lot unjustified. Mr. Lankford stated that he has never called the management company to complain about any adverse conditions on the lot.

16. The Stanton Park Neighborhood Association by letter dated September 8, 1982 expressed opposition in principle to the operation of a parking lot in an R-4 District but did not oppose the granting of the subject application for one year due to the shortage of parking spaces in the area created by building construction in the immediate neighborhood. The Capitol Hill Restoration Society by letter dated September 8, 1982 supported the granting of the subject application for a period of two years with the same conditions as were imposed on the lot by BZA Order 12061 for the same reason as stated by the Stanton Park Neighborhood Association.

17. The D.C. Department of Transportation, by memo dated June 11, 1981, indicated that an on-site inspection of the subject lot revealed that the forty-two inch high chain link fence abutting the ten foot alley should be realigned to correct its protrusion into public space. With that exception, the DOT found the lot to be in a clean and good condition and it had no objection to the continued use of the property as a parking lot.

18. As to the issues raised by the persons in opposition, the Board finds that the proposed use generates a minimum amount of traffic. The lot is marked for only seventeen vehicles, and there is no in-and-out movement during the day. The Board further finds that there are only a limited number of uses to which an alley lot in an R-4 District can be put. A parking lot is the least objectionable of such uses for the subject property, especially in view of the applicant's expressed intention to seek a developer for housing on the site.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing 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 he has satisfied the requirements of Paragraph 3104.43 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so demonstrated. The Board concludes in particular, that the lot is both necessary and convenient to other to other uses in the vicinity. No significant adverse effect will result from the continuation of this lot because of noise, traffic, number of employees or hours of operation on the present character or future development of the neighborhood in consideration of the limited time period for which approval will be granted. The Board further concludes that the grant of this special

exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of TWO YEARS from the date of expiration of the prior Order, namely from April 7, 1982.
- B. The number of parking spaces shall not exceed seventeen, with layout to be as shown on Exhibit No. 5 of the record.
- C. The applicant shall realign the forty-two inch high chain link fence along the ten foot alley on the eastern side of the property to insure that it is not located on the public space. The applicant shall maintain the fence in good repair.
- D. 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, 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
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN 18 1983

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.

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