

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13874, of the D. C. Society for Crippled Children, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49, to continue to operate an accessory parking lot in the R-4 District at the premises 1319 and 1321 Girard Street, N. W., (Square 2855, Lots 76 and 77).

HEARING DATE: December 8, 1982

DECISION DATE: December 8, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property, 1319 and 1321 Girard Street, N. W., is located on the north side of Girard Street between 13th and 14th Streets, N. W. It is in an R-4 District.

2. The property is presently used as an accessory parking lot. Use of the property as a parking facility was granted by the BZA in Application No. 12477, by order dated October 12, 1977. Approval was for a period of five years.

3. The property is owned by the District of Columbia Society for Crippled Children, Inc., a D. C. non-profit corporation, hereinafter referred to as the "Society."

4. The Society operates a school for approximately eighty-five handicapped, preschool children from the District of Columbia, ranging in age between three weeks and five years. The school is located at 2800-13th Street, on the northwest corner of 13th and Girard Streets, directly east of the subject site. The subject site is adjacent to the school which it serves. The subject lot is used by the staff and visitors and for loading and unloading the children attending the school.

5. In its prior Order, the Board approved the construction of a stockade fence between the parking area and adjacent property located at 1323 Girard Street and a stockade fence along the alley side of the property.

6. The applicant now requests approval of the installation of chain link fencing which it believes would more effectively withstand the constant vandalism the present wood stockade fences undergo.

7. The applicant testified that it has complied with all the conditions prescribed by the Board in its prior Order.

8. The applicant testified that it has received no complaints about the operation and maintenance of the lot.

9. There was no opposition to the application at the hearing or of record.

10. Advisory Neighborhood Commission 1B filed an untimely report. The report is not part of the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception the granting of which requires compliance with Paragraph 3101.49 of the Zoning Regulations. The Board concludes that the burden of proof of compliance has been met. The need for the parking lot continues. The lot is contiguous to the school it serves. No evidence has been presented showing adverse traffic impact. The Board further concludes that the special exception can be granted, as conditioned herein, as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to have an adverse impact on the use of neighboring property. Accordingly, it is 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 October 12, 1982.
- b. The stockade fence between the parking areas and the adjacent property located at 1323 Girard Street and along the alley shall be replaced with a chain link fence which meets the requirements of the building code regarding the height of the fence.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

- f. 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.
- g. 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.
- h. 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 (Douglas J. Patton, William F. McIntosh, Carrie L. Thornhill and Charles R. Norris to grant; Lindsley Williams 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: APR 11 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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