

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14203 of John L. Courembis and Inner-City Settlements, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to establish a parking lot or, in the alternative, under Sub-section 7205.3 to permit accessory parking to serve an office structure located at 515 - 22nd Street, N.W., said lots being located at 2138-40 F Street, N.W., in an R-5-D District, (Square 81, part of Lots 99 and 811)

HEARING DATE: October 24, 1984

DECISION DATE: November 7, 1984

DISPOSITION: The application was GRANTED with CONDITIONS by a vote of 4-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh and Douglas J. Patton to grant; Carrie L. Thornhill not voting, not having heard the case).

Final Date of Order: January 14, 1985

ORDER

The subject application was granted by the Board subject to eight conditions pursuant to its Order dated January 14, 1985. Condition No. 1 of the Order limited the approval of the parking lot for a period of two years from the date of the order.

On January 24, 1985 counsel for the applicants filed a timely motion for reconsideration of Condition No. 1 of the Order. Counsel for the applicants argued that the two-year limitation on the approval of the parking lot was extremely harsh because the proposed parking lot will serve a permanent office building. The condition may frustrate the intent to devote the lots to parking purposes due to the cost of the lots and the lack of assurance that the parking lot will be permitted to continue for the life of the office building. Counsel for the applicants acknowledged the concerns raised by a neighboring property owner concerning parking on the subject lots at night. Counsel submitted that the solution should be the limitation of the use of the lots after hours for a period of two years, so that the Board can monitor the use of the lot after office hours by the community. Counsel further submitted that the time limitation for the use of the lots during normal business hours should be removed.

Advisory Neighborhood Commission 2A, by resolution dated December 12, 1984, supported the motion of the applicants to allow use of the parking lot for an unlimited duration even if limited to use by the office tenants. The ANC noted that the long-range needs of the community are best served by the establishment of the parking lot to prevent intense competition for limited off-street parking spaces which would impact the availability of on-street spaces. The ANC was of the opinion that the issue of after hours use of the lot was not sufficient to warrant a two year limitation on the entire application. The ANC preferred approval of the proposed parking lot for an unlimited duration and the prohibition of the nighttime use of the parking lot by the community.

The property owner who originally opposed the nighttime use of the lot, by letter dated December 10, 1984, stated that she had no objection to the continued and future use of the subject lots for parking.

Based on the record, the final Order, the motion and the responses thereto, the Board concludes that the modification of Conditions No. 1 or 2 of its Order dated January 14, 1985, as hereinafter stated, adequately satisfies the concerns of the Board as stated in Finding of Fact No. 20 of that Order. It is therefore ordered that Conditions No. 1 and 2 of BZA order No. 14203, dated January 14, 1985, are hereby MODIFIED to read as follows:

1. Approval shall be limited to use as accessory parking for the occupants of the office building located at 515 - 22nd Street, N.W., from 7:00 A.M. to 7:00 P.M.
2. The lot may be left open from 7:00 P.M. to 7:00 A.M. for parking for area residents. Approval for use of the subject lot between 7:00 P.M. and 7:00 A.M. shall be limited to a period of two years from the date of this order. The applicant shall reapply to the Board for permission to continue evening parking if the applicant desires to continue to allow parking between 7:00 P.M. and 7:00 A.M. after the two year period.

In all other respects, the Order of the Board dated January 14, 1985, shall remain in full force and effect.

Decision Date: February 6, 1985

VOTE To Reconsider: 3-1 (William F. McIntosh, Charles R. Norris, and Douglas J. Patton to

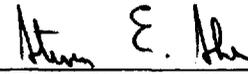
reconsider; Maybelle T. Bennett
opposed to the motion by proxy;
Carrie L. Thornhill not voting,
not having heard the case).

VOTE to Approve

Revised Conditions: 3-1 (William F. McIntosh, Charles R.
Norris and Douglas J. Patton to
approve, Maybelle T. Bennett
opposed to the motion by proxy;
Carrie L. Thornhill not voting, not
having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

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

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Government of the District of Columbia

ZONING COMMISSION



BZA APPLICATION NO. 14203

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that copies of the Order of the Board in the above numbered case, said Order dated 5 MAR 1985, have been mailed postage prepaid to the following parties who appeared and participated in the public hearing concerning this matter.

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STEVEN E. SHER
EXECUTIVE DIRECTOR

Date: 5 MAR 1985