

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14236, of Fifth Gould Limited Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot in an SP-2 District at premises 915-21 Massachusetts Avenue, N.W., (Square 370, Lots 801 and 802).

HEARING DATE: January 30, 1985
DECISION DATE: January 30, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of Massachusetts Avenue, N.W. between 9th and 10th Streets. The site is zoned SP-2 and is known as premises 915-921 Massachusetts Avenue, N.W.

2. The subject lot is irregular in shape and is part of a larger parking lot which is in both the SP and C-2-A zones. Access to the subject lot is via a driveway on Massachusetts Avenue.

3. The subject premises has been operated as a parking lot since 1965, with approval from the Board of Zoning Adjustment. The last approval of the BZA for the continuation of the parking lot was in BZA Order No. 12944, dated August 17, 1979. In that Order the Board granted a continuance of the lot until March 11, 1983. Such termination date reflected a four year extension, the maximum time allowed under the then existing Paragraph 4101.41 of the Zoning Regulations.

4. The subject site was purchased in August, 1984, by the subject applicant. Parking Management, Inc. was retained subsequently to operate the parking lot. Neither party was aware that the certificate of occupancy to operate the lot had expired.

5. The parking lot provides forty parking spaces. The lot provides short-term parking for users of nearby retail facilities. It is used at night and on weekends by area residents, and also serves the Mount Vernon Place Methodist Church. The cars of all-day parking customers are parked in the portion of the lot zoned C-2-A. The part of the lot under consideration in this application is not used for all-day parking. The parking lot also presently services patrons of the new Convention Center.

6. The lot is operated from 6:00 A.M. to 4:00 P.M., Monday through Friday. There is an attendant on the lot during all hours of operation.

7. The lot is cleaned daily. No complaints have been received about the operation and maintenance of the lot.

8. The lot is in compliance with the conditions of the prior Order of the Board.

9. The new owners of the parking lot are experienced hotel developers. They developed the 700 room Hyatt Hotel in Crystal City. They are currently restoring, with other partners, the Mayflower Hotel. In their opinion, the parking lot business is a temporary use of land.

10. The applicant has acquired other properties adjacent to the subject lot and has entered into discussions with others neighbors to determine what the total development might be.

11. In the applicant's opinion, the subject area has merit but is a bit away from active development. The Convention Center has been disappointing since it has not encouraged more development owners. The area is in need of upgrading before it becomes marketable to prospective hotel operating companies.

12. The applicant testified that it takes about one year to design a hotel once one has the financing and an operating agreement.

13. There was no opposition to the application.

14. Advisory Neighborhood Commission 2C made no recommendation on the application.

15. Pursuant to the current Paragraph 4101.41, a parking lot, which was in existence on October 5, 1978, may be permitted by the Board to continue in existence for a period not to exceed six years from the date that the present certificate of occupancy expired. Since the applicant in the prior Order received a four year extension in the previous application, it could now receive an additional two years from the March 11, 1983, date.

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 a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 4101.41 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose

and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof and that the application, as hereinafter conditioned, may be granted. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of two years from the date of expiration of the previous certificate of occupancy, namely from March 11, 1983.
2. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
3. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
4. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
5. 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.
6. 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.
7. 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, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Patricia N. Mathews 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: 20 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."

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.

14236order/LJPC