

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14317, of Louis and Geraldine Miller, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate an accessory parking lot in an R-1-B District at the premises 7830-42 Eastern Avenue, and 7800 Alaska Avenue, N.W., (Square 2960, Lots 810, 811, 812, 813 and rear of 809).

HEARING DATE: July 24, 1985
DECISION DATE: July 24, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District, at premises known as 7830-42 Eastern Avenue, and 7800 Alaska Avenue, N.W.

2. The subject site is adjacent to a strip of land zoned C-2-A along Eastern Avenue and Georgia Avenue, N.W. to the north and east. The R-1-B District extends to the south and west of the subject site.

3. The subject site currently serves as accessory parking for the C-2-A strip which it adjoins. This lot has operated with Board approval since July 20, 1949, under application No. 2385. The last approval of this Board was given by Order No. 13465, dated May 13, 1981.

4. The subject lot accommodates approximately eighty vehicles, and operates as a self-park facility. The applicant proposes the continuation of the lot in this fashion.

5. Sub-section 8207.2 provides that the Board is authorized to grant special exceptions where in the judgment of the Board such special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighborhood property in accordance with said Zoning Regulations and maps, subject in each case to the special conditions specified in the pertinent articles of the Zoning Regulations.

6. Sub-section 3101.48 provides that an accessory parking lot may be approved by the Board provided that:

- A. Such use will be located in its entirety within 200 feet of an existing Commercial or Industrial

District and such parking lot shall be contiguous to or separated only by an alley from such Commercial or Industrial District;

- B. All provisions of Article 74 are complied with;
- C. Such use is reasonably necessary or convenient to the neighborhood and is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; and
- D. Before taking final action on an application for such use the Board shall have submitted the application to the District of Columbia Department of Public Works for review and report.

7. The Eastern and Georgia Avenue frontages of the subject square that are located in the C-2-A zone District have a depth of approximately one hundred feet. The depth of the commercial zoning is not adequate to provide parking for these commercial entities located therein, since the entire C-2-A strip is covered by the commercial businesses.

8. The parking spaces of the subject lot are in an open area and are located in their entirety within 200 feet of the C-2-A area to which they are accessory. They are contiguous to or are separated only by an alley from the C-2-A uses.

9. The subject lot is used strictly as short-term parking for the adjacent C-2-A uses. No all-day parking is provided. The lot is open on weekends for neighborhood church parking, as well as for surrounding residents.

10. All areas of the subject lot devoted to driveways, access lanes and parking areas are paved with materials which form an all-weather, impervious surface.

11. The parking lot is designed so that no vehicle or any part thereof projects over any lot line or building line.

12. No other use is conducted from or upon the subject site other than the parking lot.

13. There is no vehicular entrance or exit within twenty-five feet of a street intersection. Access to the subject lot is available from two alleys off Kalmia Road, N.W.

14. Any lighting used to illuminate the parking lot is so arranged that all direct rays of lighting are confined to the parking lot.

15. The subject lot is well maintained. Trash is picked-up and curbs and gutters are cleaned regularly.

16. The subject lot is policed by an attendant who helps to minimize noise and activity as well as assist the traffic flow from 9:00 A.M. to 9:00 P.M. Monday through Friday.

17. The lot has operated in compliance with the Board's previous approval and the applicants have received no complaints from any of its users or surrounding residents.

18. The applicant has no plans for the subject site other than the continuation of the parking lot for the foreseeable future as the parking is important to the financial success of the stores which it serves by providing a safe and convenient place for their patrons to park while conducting business.

19. The commercial establishments served by the subject lot include a liquor store, a television repair shop, two restaurants, a nightclub and a savings and loan institution.

20. The Department of Public Works, by memorandum dated July 1, 1985, reported that the parking lot was in excellent condition and adequately screened from all adjacent residential property. The DPW further reported that if the lot were discontinued, parking spillover would adversely affect the surrounding residential neighborhood. The DPW had no objections to the continuation of the subject parking lot. DPW did recommend that BZA only grant the extension of the parking lot use for a four year period. The Board concurs with the reasoning and general recommendations of the DPW.

21. The Office of Planning, by memorandum dated July 19, 1985, reported that the parking lot is still in compliance with the conditions of the last Order of the Board (BZA No. 13465). The Office of Planning recommended approval of this application subject to the conditions set forth in that Order. The OP was of the opinion that the applicant met the requirements of Paragraph 3101.48 of the Zoning Regulations. The Board concurs.

22. A letter dated July 23, 1985, from Single Member District Commissioner of ANC 4A02 was submitted to the record in support of the subject application.

23. Advisory Neighborhood Commission 4A filed no recommendation on the application.

24. Neighbors, Incorporated testified at the public hearing that the lot is well operated and maintained and recommended approval of the application. Neighbors, Incorporated requested that the length of approval be for a shorter period than the ten years period requested by the applicant.

25. There was no opposition to the granting of the application at the public hearing or of record.

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 to use the subject lots in the R-1-B District as accessory parking for neighboring businesses in the C-2-A District. The granting of such a special exception requires a showing through substantial evidence that the proposed use satisfies the requirements of Sub-section 8207.2 and Paragraph 3101.48 of the D.C. Zoning Regulations.

The Board concludes that the application meets the standards for the granting of the requested special exception. The lot is located within 200 feet of the adjacent existing C-2-A commercial district, and is separated only by an alley from such commercial district. The parking lot does not create dangerous or otherwise objectionable traffic conditions. The Board further concludes that the parking facility will not adversely affect the use of neighboring property. The lot is reasonably necessary and convenient to the operation of the adjoining commercial corridor. The operation of the lot is in harmony with the general purpose and intent of the Zoning Regulations. Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the last Certificate of Occupancy, namely until October 21, 1990.
- 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.

VOTE: 4-0 (Patricia N. Mathews, Charles R. Norris, William F. McIntosh, Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

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

ATTESTED BY:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER:

22 OCT 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.

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