

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14442 of 1720 Wisconsin Avenue Ltd. Partnership, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7205.4 to continue to use premises rear 1722-1726 - 34th Street, N.W., (Square 1297, Lots 93-97) in an R-3 District as accessory parking for the main structure at 1720 Wisconsin Avenue, N.W., (Square 1298, Lots 332) in a C-2-A District.

HEARING DATE: June 25, 1986

DECISION DATE: July 2, 1986

FINDINGS OF FACT:

1. The site, known as premises rear 1722-1726 - 34th Street, N.W., is located on a public alley located between 34th and 35th streets. It is in an R-3 District.

2. The site comprises five rectangular lots, four of which have a frontage of ten feet and one has a frontage of 12.38 feet along the 20 foot wide public alley running north-south. Each lot has a depth of 30 feet. Fifteen foot wide public alleys running east-west are located directly to the north and approximately 120 feet south of the site providing access to 34th Street.

3. The R-3 District extends in all directions from the subject site. A C-2-A District is located to the east of the site.

4. Pursuant to sub-section 8207.2 of the Zoning Regulations the applicant is seeking a special exception under sub-section 7205.4 to continue to use the site as accessory parking for a main structure at 1720 Wisconsin Avenue, N.W. which is located in a C-2-A District.

5. BZA Order No. 12532, issued January 4, 1978, granted the former owners of the site a special exception to use the lots as accessory parking for the principal use at 1720 Wisconsin Avenue.

6. The principal site is located in the Georgetown Historic District. The lot is 2,146 square feet in area and it is improved with a three story brick structure without a basement. The first story of the building was constructed

prior to the effective date of the current zoning regulations. The top two stories were added by the previous owner.

7. Adjoining the principal lot to the immediate south is a parking area which services the adjoining three story office building. To the west at the rear of the building is a vacant area used for the parking of two vehicles.

8. The five accessory parking spaces to be provided at the subject site are within a 465 foot walking distance from the rear entrance to the principal building which they are intended to serve.

9. The premises at 1720 Wisconsin Avenue are used as the offices of Sandoz and Lamberton, Inc., a real estate firm with five full time employees and approximately twenty-five sales associates.

10. Sandoz and Lamberton, Inc., currently utilizes two spaces in the rear of Lot 332, Square 1298 which are partially on the lot and partially in the alley, and the additional spaces located on Square 1297, as did the former owner pursuant to the Boards' decision.

11. The office structure as it has been and is currently being used requires four parking spaces under the Regulations.

12. The applicant intends to provide more than the required four parking spaces by its purchase of the five spaces located on Lots 93-97, in Square 1298 to combine with the two presently existing alley spaces on Lot 332.

13. Lots 93 - 97 located in Square 1297 are currently improved with an impervious surface which is not striped.

14. Lot 332, Square 1298, the lot containing the principal use, abutts an alley which at this point is only 12.5 feet wide. In addition, the lot is almost totally occupied by the existing structure at premises 1720 Wisconsin Avenue, N.W.

15. The cost of constructing underground parking for four cars on the principal lot would be prohibitive.

16. The applicant's building at premises 1720 Wisconsin Avenue, N.W. is the only structure on the block which does not have a basement.

17. The prior owner applicant in BZA Order 12532 attempted for four years to either purchase or negotiate a lease for parking spaces closer to the subject site than the

17. The prior owner applicant in BZA Order 12532 attempted for four years to either purchase or negotiate a lease for parking spaces closer to the subject site than the spaces which are the subject of the present application, but has been unsuccessful.

18. The accessory parking spaces in the present application are separated from the principal use by 34th Street, which has a right-of-way of only 60 feet. The pavement width is approximately 34 feet.

19. The proposed five accessory parking spaces have historically been utilized for off-street parking for uses located other than in Square 1297 prior to the Board's decision in Application No. 12532.

20. A sub-division plat of Square 1297 recorded in the Surveyor's Office in 1925 states that the alley lots, including Lots 93 - 97, shall not be used for residential purposes.

21. By letter dated June 13, 1986. Advisory Neighborhood Commission (ANC 2E) reported that it voted not to oppose the application as both the former tenant and the present tenant are real estate offices and the parking spaces will not increase in number.

22. At the public hearing, a neighboring property owner to the accessory spaces testified in opposition to the application. He argued that the continued misuse of the parking spaces affected him adversely. Cars cluttered the alley. Cars were parked parallel to the applicant's spaces. The clutter affected his ability to easily exit from his narrow garage. He further argued that cars parked parallel in the alley blocked his driveway. The Board finds that although the record is not clear as to what if any contribution the applicant made to this disarray in the alley it will so condition this grant so as to make the applicant in the future more responsive to the concerns of others who have parking rights to the alley.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 7205.4 and Sub-section 8207.2 of the Zoning Regulations. Section 7205.4 states in pertinent part that if approved by the Board of Zoning Adjustment, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, provided:

7205.41 It is not practical to locate such spaces in accordance with Sub-section 7205.2 because of:

7205.411 Unusual topography, grades, shape, size, or dimensions of the lot;

7205.412 The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or,

7205.413 Traffic hazards caused by unusual street grades; or

7205.414 The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties;

7205.42 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, such parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred;

7205.43 Such parking spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structure which they are designed to serve; and

7205.44 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, set backs, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent a nearby property. It may also impose such other conditions as it shall deem necessary to assure the continued provision and maintenance of such spaces.

The Board concludes that the applicant has met its burden of proof. The peculiar size and dimensions of the lot and structure involved at premises 1720 Wisconsin Avenue, N.W. preclude any attempt to arrange surface parking on Lot 831. Furthermore, underground parking cannot be reasonably utilized due to its expense. The Board further concludes that it is not practicable to locate the required spaces on the same lot as the structure to be served as such parking would lack appropriate ingress and egress facilities. The Board concludes that the proposed parking spaces are so located as to furnish reasonable and convenient parking facilities to the commercial structure due to their close proximity to that site and the ease of ingress and egress in the utilization of those parking spaces. Furthermore, the

proposed parking spaces are not further than 800 feet from any lot line of the lot upon which the structure to be served is located.

As condition below nearby or adjacent property will not be adversely impacted in any manner by the proposed location of parking spaces on Lots 93 - 97 of Square 1297. The five parking spaces in this application have historically been utilized for off-street parking for uses other than those located on Square 1297. The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the zoning regulations and map and it will not affect adversely the use of neighboring property. The Board concludes that it has accorded to Advisory Neighborhood Commission 2E the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS.
2. Use of the parking area shall be limited to the applicant.
3. The applicant shall provide a sign on the property restricting parking on the site to employees of the applicant and furnishing a telephone number to call in case of complaints regarding the operation of the parking area.
4. No lighting shall be provided on the subject site.
5. The parking area shall be secured with a cable and padlock to prevent unauthorized use of the parking area.
6. The lot shall be inspected twice a day to insure that vehicles on the site are properly parked and that the lot is free of refuse and debris.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: AUG 15 1986

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 CONSUMER AND REGULATORY AFFAIRS.

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