

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14471 of Security Storage Company of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to continue to operate a parking lot in an R-5-B District at premises 1706-1710 V Street, N.W., (Square 150, Lot 805).

HEARING DATE: July 23, 1986
DECISION DATE: September 3, 1986

FINDINGS OF FACT:

1. The subject site is located on the south side of V Street between 17th and 18th Streets, N.W. and is known as premises 1706-1710 V Street, N.W. It is in a R-5-B District.

2. The Board, in BZA Order No. 8270 dated July 14, 1965, first permitted the site to be used as a parking lot. The relief was granted for a period of five years. In its most recent Order No. 14069, dated May 14, 1984, the Board granted continuation for three years. The existing parking lot predates the text amendments of March 1, 1985 concerning parking and loading requirements. The lot is grandfathered in.

3. The site is rectangular in shape. Its width measures 42.66 feet and its depth eighty feet.

4. The lot has ten parking spaces. Eight of the spaces are each nine feet wide and eighteen feet deep. The spaces are lined up perpendicular to the east side lot line. The remaining two spaces measure nine feet by nineteen feet and are located adjacent to and parallel to the west side lot line.

5. Access to all ten spaces is by way of a driveway from V Street and an access aisle down the center of the lot.

6. The lot is used by the employees of the Security Storage Company housed in a building located at 1707 Florida Avenue, directly across V Street and Florida Avenue to the north of the site. There are approximately ninety persons employed by the applicant at that building. There are fourteen parking spaces provided on that site.

7. All of the spaces on the lot are assigned to particular employees. Assignments are made on the basis of the company's needs. Spaces are assigned to sales staff personnel, who need to use their cars as part of their business, and thus need to be able to leave the lot during the day.

8. The lot is operated from approximately 8:00 A.M. to 5:00 P.M. The lot is surrounded by a six foot high chain link fence with a gate. The property is closed and locked at the hours when it is not used by the applicant.

9. The relatively low level of usage of the lot results in no dangerous or objectionable traffic conditions.

10. The lot is paved with an all-weather impervious surface, and otherwise meets the conditions of Article 74 of the Zoning Regulations.

11. The lot is cleaned of trash and debris on a daily basis.

12. The applicant has received no complaints on the operation or maintenance of the lot. The applicant maintains a permanent custodial staff at its office across the street from the lot. The staff polices the area and would be available to receive any complaints.

13. The nearest Metrorail station is at Dupont Circle, more than half a mile distant. Since subway service has been instituted, bus service on adjoining streets has been reduced. A residential permit parking program of two hours is in effect on adjoining streets.

14. There are no commercial advertising signs posted on the lot. There are no buildings on the lot.

15. The D.C. Department of Public Works (DPW), by memorandum dated July 16, 1986, reported that it had no objection to the continuation of the parking lot. The DPW reported that the lot was observed to be clean and well maintained.

16. There was opposition to the application from the Residential Action Coalition. The Coalition was opposed to any parking lot in a residential district. The Coalition urged the Board to deny the application since its existence for 21 years discouraged any residential development of the site.

17. As to the issues raised by the opposition, the Board finds that the applicant seeks its relief through a special exception and not a use variance. The applicant has

no burden to establish that the site cannot be used for residential purposes.

18. Advisory Neighborhood Commission 1C made no recommendation on the application.

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 3101.49 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. Accessory parking is permitted through a special exception under Paragraph 3101.49 which provides in pertinent part as follows:

3101.49 Accessory passenger automobile parking spaces elsewhere than on the same lot or part thereof on which the main use is permitted, except for a one-family dwelling, provided that:

3101.491 Such parking spaces will be in an open area or in an underground garage no portion of which, except for access, extends above the level of the adjacent finished grade, provided, in either case they are located in their entirety within 200 feet of the area to which they are accessory, and, provided further, that they are contiguous to or separated only by an alley from the use to which they are accessory;

3101.492 All provisions of Article 74 regulating parking lots are complied with, except that the Board may in an appropriate case under Sub-section 7404.3 modify or waive the conditions specified in Sub-section 7404.2 where compliance therewith would serve no useful purpose;

3101.493 It is economically impracticable or unsafe to locate such parking spaces within the principal building or on the same lot on which such building or use is permitted because of:

3101.4932 Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on such lot;

3101.494 Such parking spaces are so located and facilities in relation thereto 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

3101.495 Before taking final action on an application for such use, the Board shall have submitted the application to the District of Columbia Department of Transportation for review and report.

The Board concludes that the applicant has met its burden of proof. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, the present character and future development of the neighborhood will not be affected adversely, and the parking lot is reasonably necessary and convenient to other uses in the vicinity. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS terminating on June 10, 1989.
2. The number and location of parking spaces shall be in accordance with the layout shown on the plat marked as Exhibit No. 3 of the record.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. 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.
7. 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.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell, and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 23 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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