

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14516, of Chastleton Apartments Associates and Interstate General Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to continue to operate an accessory parking lot to serve the Chastleton Apartments in a R-5-B District at premises rear of 1720 - 15th Street, N.W. and 1511-1519 R Street, N.W., (Square 192, Lots 826 and 827; and Lots 49, 50, 52, 816, 817, 806, 807 and 828).

HEARING DATE: December 10, 1987
DECISION DATE: December 10, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The property is known as premises 1511-1519 R Street, N.W. (Square 192; Lots 49, 50, 52, 816, 817, 826 and 827) and the rear of 1720 15th Street, N.W. (Square 192; Lots 806, 807 and 828). The property is located in an R-5-B District.

2. Both parking lots are intended to serve the tenants and guests of the Chastleton apartment house which is located on the east side of 16th Street between R and S Streets. Both parking lots are to the east of the apartment house. Both parking lots are in an R-5-B District. The apartment house is in an R-5-C District.

3. The R-5-B District extends to the north, east and south of the property. The R-5-C District is located along both sides of 16th Street.

4. Other uses nearby include the Scottish Rite Temple, and three and four-story residential structures and garages for those structures.

5. The property has served as parking for tenants and guests of the Chastleton on the subject property since 1964. The use was originally approved by the BZA on May 15, 1964 in Order No. 7860. The use was subsequently reapproved in Order Nos. 7837, 8432, 8580, 9128, 10850, 12229, and 13731/13732 (the Board consolidated two applications for parking renewal).

6. In BZA Order Nos. 13731 and 13732, dated September 24, 1982, the Board granted permission to continue the use of the parking lots for a five year period. The Board's

approval is required to continue parking on these lots because the use served by the parking is located on a separate lot. The applicant proposes the continuation of such use for a period of five years.

7. The subject property contains the alley area closed pursuant to S.O. 79-390. This area represents lot 828. The closed area connects the two previously separated parking areas. Additionally, portions of lots 49, 50, 52 and 817 which were formally used for parking, now provide an easement for alley purposes pursuant to the terms and conditions of a covenant entered into with the District of Columbia as provided in the alley closing under S.O. 79-390.

8. The property provides parking for 60 spaces. The parking spaces are in an open area and are located entirely within 200 feet of the Chastleton apartments.

9. The parking lot has recently been resurfaced and fenced and is in excellent condition.

10. All areas devoted to driveways, access lanes, and parking areas are paved with an all-weather impervious surface. The parking lot is designed so that no vehicle or any part thereof projects over the lot lines. The parking lot is not used for any purpose other than parking. There is no vehicular entrance or exist within 40 feet of a street intersection and the rays of all lighting used to illuminate the parking lot are confined to the surface of the lot. The parking lot, including the landscaping, is kept free of refuse and debris, and is maintained in a neat and orderly fashion.

11. The Chastleton apartments were constructed circa 1920 and occupy virtually all of the lot.

12. The applicant proposes to implement a landscaping plan for the lots which has been approved by residents adjacent to the lot. The plan includes a seven foot high ornamental fence and hedge along R Street. The remainder of the property is fenced with a vinyl covered fence.

13. The lot serves to reduce parking demand on the already congested neighborhood streets.

14. By memorandum dated November 10, 1986, the Department of Public Works (DPW) reported that it's site investigation revealed that the subject lot is clean and in good condition. The entire lot will be fenced in, limiting access to the lot to R Street. The DPW further reported that if this parking lot is discontinued, parking spillover would adversely effect the surrounding neighborhood. The DPW has no objections to the continuation of this use.

15. Advisory Neighborhood Commission (ANC) 2B, by letter dated December 1, 1986, supported the continuation of the parking lot subject to the following conditions: that the applicant landscape the area around the entrance on R Street; erect a seven foot high wall/fence, except for the opening; and that the applicant try to reach an agreement with the neighbors on the size of the fence. The Board concurs with the recommendation of the ANC.

16. Mr. Joel Rosenberg testified that he lives at 1512 R Street, N.W. directly across from the parking lot. He noted that he had attended the ANC 2B meeting and raised concerns about the parking lot. He testified that he had reviewed the landscaping plans submitted by the applicant. He requested that the shrubbery be clipped no lower than the seven foot fence and that compliance with the landscaping plan be made a condition to granting the parking lot renewal.

17. The owner of the adjacent townhouse on R Street, N.W. (Lot 48) to the east of the parking lot supported the application with the understanding that the landscaped buffer between the townhouse and the parking lot would be maintained.

18. A representative of the Residential Action Committee, appeared in support of the project although she requested that the renewal be for a period of three years only and that a wrought iron fence be constructed around the alley and rear of the parking lot, not just on the R Street side.

19. Another resident from 1508 R Street, N.W., Mr. Charles W. Clark, stated that the entrance to the parking lot had been widened and thus displaced five on-street parking spaces.

20. The Board finds that the applicant requested a renewal period of five years for the lot and that there was no basis for restricting the approval to a shorter period. The representative of the applicant testified that the buffer landscape would be maintained, but that the wrought iron fence around the remainder of the parking lot was not necessary. The representative of the applicant also noted that the entrance to the parking lot had been widened at the request of the Fire Department, but it was his belief that only one parking space (instead of five) was lost.

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, the granting of which requires proof through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.49 of the Zoning

Regulations and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. The Board concludes that the applicant has met its burden of proof. The circumstances have not changed since the Board's prior approval, except that the lot has been reconfigured due to the alley closing pursuant to S.O. 79-390, and that the lot has been resurfaced and fenced, and landscaping plans have been formulated. These improvements have enhanced the property and lessened any adverse impact.

Paragraph 3101.49 allows for an accessory parking lot to be constructed 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:

3101.4931 Strip zoning or shallow zoning depth;

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

3101.4933 Unusual topography grades, shape, size or dimensions of the lot;

3101.4934 The lack of an alley or the lack of appropriate ingress or

egress through existing or proposed
alleys or streets; or,

3101.4935 Traffic hazards caused by
unusual street grades or other
conditions;

3101.494 Such parking spaces are so located and
facilities in relation thereto are so designed
that they are not likely to become objection-
able to adjoining or nearby property because
of noise, traffic or other objectionable
conditions; and

3101.495 Before taking final action on an appli-
cation for such use, the Board shall have
submitted the application to the District of
Columbia Department of Public Works (DPW).

The Board concludes that the parking spaces will be in
an open area and located in their entirety within 200 feet
of and adjacent to the area to which they are accessory.
All provisions of Article 74 are complied with. It is
economically impracticable to locate the spaces on the same
lot as or within the principal building since the Chastleton
was built in 1920 and covers the majority of the lot. Thus
there is no room on the lot of the principal building to
provide sufficient parking. The Board further concludes
that the parking spaces are so located that they are not
likely to become objectionable to adjoining or nearby
property because of noise, traffic or other objectionable
conditions.

The Board concludes that it has accorded to the ANC the
"great weight" to which it is entitled. Accordingly, it is
ORDERED that the application is GRANTED SUBJECT to the
following CONDITIONS:

- A. Approval shall be for a period of five years
from date of expiration of the previous
certificate of occupancy, namely March 29,
1986.
- B. Conditions B through G of BZA Order No.
13731, dated September 24, 1982, shall be
complied with.
- C. Landscaping shall be in accordance with the
plans marked as Exhibit No. 32 of the record
except that the shrubbery on R Street shall
be maintained to the height of the fence.

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: FEB 11 1987

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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