

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14532, of Grant Park Limited Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to use the site as accessory parking for the Grant Park Care Center, a nursing facility, in an R-1-B District at premises 5051 Hayes Street, N.E., (Square 5197, Lots 69-72).

HEARING DATE: January 11, 1987 and February 4, 1987
DECISION DATE: February 4, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The application was originally scheduled for a public hearing for January 11, 1987. On that date the Board was unable to complete its agenda and the application was rescheduled for February 4, 1987.

2. The site, known as premises 5051 Hayes Street, N.E. is located on the south side of Hayes Street, west of 51st Street.

3. The lot is irregularly shaped and is currently vacant.

4. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 3101.49 to use the site as accessory parking for the Grant Park Care Center.

5. The Grant Park Care Center is a 296 bed nursing facility located at 5051 Hayes Street, N.E. The Center now has a 69 space parking lot which satisfies the parking requirements of the Zoning Regulations. The main entrance to the facility is off of Nannie Helen Burroughs Avenue near 50th Street.

6. The proposed lot will be located directly adjacent to and within 200 feet of the site on which the center is located.

7. The proposed parking lot would provide 45 parking spaces. The center has nearly 300 employees split between three shifts for its 24 hour per day coverage.

8. The lot is intended to address the temporary deficiency of parking spaces which occurs during the overlap

of shift changes. This overlap occurs mainly when the daytime shift arrives for work before the night shift departs and again when the evening shift arrives. 232 or approximately 70 percent of the staff drives to work. Also, the center receives approximately 151 visitors a day between 11:00 A.M. and 8:00 P.M.

9. A wall of shubbery will be provided around the perimeter of the lot. Interior plantings will also be provided.

10. Advisory Neighborhood Commission (ANC) 7C filed no report on the application.

11. By memorandum dated January 7, 1987, the Department of Public Works (DPW) reported that it has no objections to the application. DPW reported that the accessory lot is necessary to accommodate the parking spillover that occurs during staff shift changes and visiting hours. Also, DPW reported that the Center is not conveniently located to a Metrorail station and only moderately served by Metrobus. If the lot is not established, the parking spillover may adversely effect the surrounding neighborhood. The Board concurs with the DPW's assessment of the application.

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 3101.49 and Sub-section 8207.2 of the Zoning Regulations. Paragraph 3101.49 allows that accessory passenger automobile parking spaces may be located elsewhere than on the same lot or part thereof on which the main use is permitted 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 7404.1 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 objectionable to adjoining or nearby property because 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 Public Works (DPW) for review and report.

The Board concludes that the applicant has met its burden of proof. The parking spaces comply with the above listed requirements.

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. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

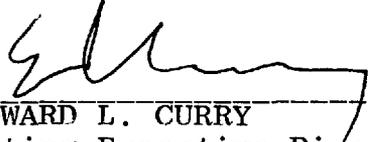
1. The number and location of the parking spaces and landscaping shall be in accordance with the layout shown on the plans marked as Exhibit No. 7 of the record.
2. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious 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.

VOTE: 5-0 (Charles R. Norris, Patricia N. Mathews, Paula L. Jewell, William F. McIntosh 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: APR 3 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 LICENSES, INVESTIGATIONS AND INSPECTIONS.

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