

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14564 of the Donohoe Companies, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to allow the restriping and increase in the number of accessory parking spaces from twenty-three spaces to thirty spaces in an R-2/C-3-A District at premises 4200 Wisconsin Avenue, N.W., (Square 1786, Lot 821).

HEARING DATE: February 25, 1987

DECISION DATE: February 25, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The property is located at the northwest corner of the intersection of Van Ness Street and Wisconsin Avenue, N.W. and is known as 4200 Wisconsin Avenue, N.W. It is split zoned C-3-A and R-2.

2. The property is currently improved with a retail and office building located in its entirety within the C-3-A portion of the site along the Wisconsin Avenue frontage. There is a surface parking lot containing twenty-three parking spaces at the rear of the property in the C-3-A and R-2 zoned portion of the site which was originally approved by the Board in its Order No. 11668 dated January 14, 1977.

3. The applicant proposes to restripe the existing parking lot to increase the capacity of the lot from twenty-three to thirty vehicles. Special exception relief pursuant to Paragraph 3101.49 of the Zoning Regulations is therefore required.

4. The proposed parking is located in an open lot no portion of which extends above the level of the adjacent finished grade.

5. The parking lot in its entirety is located within 200 feet of the use it is proposed to serve.

6. The parking area is contiguous to the use it is proposed to serve.

7. The parking lot will continue to be in compliance with the provisions of Article 74 of the Zoning Regulations.

8. It is proposed impractical to locate the proposed parking spaces within the existing principle building or within the C-3-A portion of the site due to the unusual size, split-zoning and existing improvements of the property.

9. The parking lot has been in existence for approximately nine years. The Board finds that an increase of seven spaces on the site is not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

10. The Department of Public Works, by memorandum dated February 18, 1987, was of the opinion that the lot is clean and in good condition. The DPW was further of the opinion that the increase in the number of spaces will not have an adverse impact on the local street system. The Board so finds.

11. Advisory Neighborhood Commission 3E, by memorandum received February 18, 1987, supported the application subject to limiting the approval to the current lessee, Johnson's Flower and Garden Center, and the current use as accessory parking for Johnson's Flower and Garden Center. The Board concurs with the recommendations of ANC 3E.

12. A representative of adjacent ANC 3C, testified at the public hearing in opposition to the application.

13. The record contains numerous letters and petitions in support of the granting of the application.

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 the applicant to demonstrate substantial compliance with the provisions of Paragraph 3101.49 of the Zoning Regulations. The Board concludes that the applicant has so complied. The Department of Public Works has no objection to the proposed use. The Board concludes that it has accorded the ANC the "great weight" to which it is entitled.

The Board further concludes that the requested relief 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. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TEN YEARS from the effective date of this order.

2. The use and operation of the lot shall be limited to the business clients of the Johnson Flower Shop and Garden Center.
3. All provisions of Article 74 regarding parking lots shall be complied with.

VOTE: 3-0 (William F. McIntosh, John G. Parsons and Carrie L. Thornhill to grant; Charles R. Norris and Paula L. Jewell not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: MAY 8 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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