

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No 14566 of Marshall B. Coyne, pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations, for a special exception under Paragraph 3101.49 (213.1, DCMR 11) to continue the use of a parking lot as accessory parking for the tenants at 925 - 25th Street, N. W. in an R-5 District at the premises rear of 925 - 25th Street, N. W., (Square 28, Lot 878).

HEARING DATE: March 11, 1987

DECISION DATE: March 11, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The property is located in an R-5-B District in the square bounded by New Hampshire Avenue, I, 25th, K and 24th Streets, N. W. The property has no street frontage and is known as rear 925 - 25th Street, N. W.

2. The property is bounded by public alleys along three--fourths of its sides. It is unimproved and used as a parking lot. Access to the parking lot is by way of public alleys leading through Snow's Court to 25th Street.

3. The lot is approximately 11,900 square feet in area and accommodates twenty-three cars.

4. The parking lot was first permitted by BZA Order No. 6699 in 1962. In application No 12626, by Order dated June 15, 1978, the Board granted the Applicant a conditional continuance of the subject lot for a period of three years. BZA Order No 13527, dated October 14, 1981 granted the Applicant conditional approval to operate the lot for a period of three years. The lot has been continually and is now being used for parking.

5. Pursuant to Sub-section 8207.2 (3108.1, DCMR 11) the Applicant is seeking a special exception under Paragraph 3101.49 (213.1, DCMR 11) to continue the use of the lot for accessory parking for the tenants of an apartment house located at 925 - 25th Street, N. W.

6. The lot is not used as a commercial parking lot. Residents of the apartments are assigned a particular parking space.

7. The lot is paved, lined, fenced and complies with all the conditions of the Board's previous Orders and the Zoning Regulations.

8. By memorandum dated February 27, 1987 the Department of Public Works (DPW) reported that it had reviewed the application and found no adverse impacts caused by the proposal. The DPW reported that the lot was kept clean and in good condition. The DPW has no objection to granting the continued use.

9. By letter dated February 12, 1987, Advisory Neighborhood Commission 2A reported that it supported the application. The ANC did not state its reasoning for its support.

10. All persons who sought to submit evidence either in favor of or in opposition to the application were provided an opportunity to do so.

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. In order to be granted such an exception the applicant must demonstrate that he has complied with the requirements of Paragraph 3104.49 (213.1 DCMR 11) and Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations.

The Board concludes that the Applicant has met the burden of proof. The Board concludes that the operation of the lot has not created dangerous or objectionable traffic conditions and the continuance of this parking lot will create no dangerous or otherwise objectionable traffic conditions. The present and future development of the neighborhood will not be affected adversely the lot is reasonably necessary and convenient to the apartment building located at 925 - 25th Street.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Operation of the lot shall be limited to the Applicant.
2. The Applicant shall maintain the fence surrounding the lot in a neat and repaired condition.

3. The parking lot shall be used only to serve residents of the adjoining building, located 925 25th Street, N. W., or whenever there is insufficient tenant demand for the spaces they may be leased on a monthly basis to other residents of the neighborhood.
4. Parking shall be restricted to the twenty-three spaces as shown on the parking plan. No vehicle shall be permitted to park in any driveway or accessway on the lot.
5. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
6. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
8. 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.
9. 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.
10. Any lighting use to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Patricia Mathews, Charles Norris, William 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

JUN 2 1987

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 (3103.1, DCMR 11) 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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