

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14586, of J. William Lee's Sons Co. (the "Applicant"), pursuant to Sub-section 8207.2 (3108.1 DCMR 11) of the Zoning Regulations for a special exception under Paragraph 3101.48 (212.1, DCMR 11) to continue to operate a parking lot in an R-5-B District at premises 310-312 C Street, N.E., (Square 782, Lots 802,23 and 24).

HEARING DATE: May 13, 1987

DECISION DATE: May 13, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of C Street between 3rd and 4th Streets and is known as premises 310-312 C Street, N. E. The site is situated in an R-5-B District.

2. The subject parking lot accommodates eight cars. The parking facility is used by employees, and business invitees of the funeral home.

3. The subject funeral home has been located at the subject site since 1936. The District of Columbia Board of Zoning Adjustment ("BZA") has granted approval of the subject lot for parking on a five year basis since 1959.

4. The Applicant has operated the lot in compliance with all of the conditions of the prior Order of the Board, BZA No 13734, dated July 19, 1982.

5. The Capitol Hill Restoration Society by letter dated May 7, 1987, recommended approval of the application. The Applicant has owned and operated the funeral home and parking lot for many years without any opposition from immediate neighbors.

6. Advisory Neighborhood Commission 6A, made no recommendation on the application.

7. All persons who sought to give testimony either in favor of or in opposition to the applications were given an opportunity to do so.

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 substantial evidence that the Applicant has complied with the requirements of Paragraph 8207.2 and 3104.48 (3108.1 and 212.1 DCMR 11) of the Zoning Regulations. The Board concludes that the Applicant has met its burden of proof. The Board also notes the strong support for the application from a neighboring historical society.

The Board further concludes that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it 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:

- A. Approval shall be perpetual commencing the date of expiration of the most recent certificate of occupancy, subject to the condition that: (1) the Applicant shall continue to own and operate the existing business on the premises, and (2) compliance as otherwise set forth herein.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. 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.
- F. 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.
- G. Any lighting used 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 (Maybelle T. Bennett, Charles R. Norris,
Carrie Thornhill, William F. McIntosh, and
Paula L. Jewell to grant.)

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

ATTESTED BY:



Edward L. Curry
Acting Executive Director

FINAL DATE OF ORDER: JUN 18 1987

UNDER SUB-SECTION 82043 (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 LICENSES,
INVESTIGATIONS AND INSPECTIONS.

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