

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14625, of National Paint and Coating Association, Inc., pursuant to Section 3108.1 of the Zoning Regulations, for a special exception to allow use as a parking lot (Section 213) in an R-5-B District at premises 1520 O Street, N.W., (Square 195, Lots 68 and 816).

HEARING DATE: July 15, 1987  
DECISION DATE: September 2, 1987

FINDINGS OF FACT:

1. The subject property consists of two vacant lots on the south side of O Street between 15th and 16th Streets, N.W. The address for the lots is 1520 O Street, N.W.

2. Lot 68 has a width of 16.90 feet and a depth of approximately 110 feet. Lot 816 has a width of 15.25 feet and a depth of approximately 100 feet. The two lots are unimproved but for a black-top surface and steel fence posts on a portion of the lots' perimeter. The remainder of the perimeter is lined with bushes. The rear of each lot abuts a 25 foot alley.

3. The subject square is divided by three zoning districts. Lots 68 and 816 are in an R-5-B District which extends eight blocks to the north of the square. The portion of the Square which faces 16th Street is in an SP-1 Zone which extends along both sides of 16th Street from Scott Circle to Q Street, N.W. The southern edge of the square is in an R-5-D District which extends one block to the east of the square along Rhode Island Avenue.

4. The subject square contains three hotels, an empty embassy, a condominium building and three rowhouses. The rowhouse at 1528 O Street has been converted to apartment use. The square contains eight vacant lots including lots 815 and 68. All eight lots are located east of 1528 O Street, N.W.

5. Lots 68 and 816 were used for parking under a recently expired Certificate of Occupancy. After the expiration of the certificate of occupancy, the lot was used for parking without the applicant's permission and in spite of the applicant's efforts to fence the lot with steel cable.

6. Although no formal agreement has been reached, the applicant intends to lease the lots to the Park Terrace Hotel for use as a valet parking lot for ten vehicles. Neither the applicant nor the hotel intend to hire an attendant, but the applicant contends that the lots will be continuously supervised from the hotel, which is separated from the lots by an alley. Additional security will be provided by valets during their frequent trips to the lots. The hotel will provide additional lighting for the lots.

7. The applicant has failed to keep the lots free of trash and debris.

8. Prior to the expiration of the certificate of occupancy for 1520 O Street, all eight lots were the scene of frequent illegal activity involving drug abuse and prostitution. After the expiration of the certificate of occupancy many of these activities at 1520 O Street were moved to the six other lots. The activities create noise and contribute to crime in the area. The fumes created by vehicles left running by persons engaged in illegal activity at 1526 O Street, N.W., often seeps into neighboring apartments at 1528 O Street, N.W., where they became a nuisance to the tenants living there.

9. The illegal activity at 1520 O Street, N.W., was a result of the applicant's failure to properly supervise the lots.

10. The applicant contends that the use of the lots for valet parking will prevent illegal activity from occurring on the lots. The Board does not agree because the applicant's proposal does not provide sufficient security to ensure that the lots will not be used illegally. Although illegal activity is certain to continue on other lots if the relief is denied, the Board must refuse the applicant's request until the applicant can prove the lot will not be managed in a way which permits this activity.

11. Vehicles will enter and leave the lots by means of an entrance at O Street and a public alley at the rear of the property.

12. A portion of the property is lined with bushes but much of the property is not buffered from nearby residences.

13. The application was referred to the Department of Public Works (DPW) on April 23, 1987, in a written report dated May 28, 1987, the DPW reported that it had no objection to the proposed use while alternative uses were being explored. The DPW based its recommendation on findings that the lots are in good condition and that the access from 15th and C Streets is adequate.

14. The lots are in the jurisdiction of Advisory Neighborhood Commission (ANC) 2B. In a report dated July 2, 1987, the ANC reported that it had voted to oppose the applicant's proposal, having found it to be inconsistent with the block's residential character and to offer no solution to the problems at the site. The Board concurs with the ANC's findings and gives them "great weight" in its decision.

15. A number of local residents and representatives of the Residential Action Coalition and the Dupont Circle Citizens Association appeared at the hear to oppose the applicant's proposal. A number of residents also wrote letters to the Board to express their opposition to the proposal. Most residents expressed concern that the proposal would perpetuate the illegal use of the lot and do nothing to eliminate the resulting noise, crime, and automobile fumes. The Board concurs with the resident's findings.

16. The Office of Planning (OP) did not submit a report concerning the applicant's proposal.

CONCLUSIONS OF LAW AND OPINION:

The applicant is requesting a special exception pursuant to 11 DCMR 3108.1 to permit the operation of an accessory parking lot in an R-5-B District. To qualify for a special exception, the applicant must demonstrate that the exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect the lawful use of neighboring property subject to the requirements of Section 213.

Section 213 governs accessory parking lots and requires that all spaces be in an open area or underground garage which does not extend above the level of the adjacent finished grade. Space must be located within two hundred feet of the area to which they are accessory, and be either contiguous to or separated by an alley from the accessory use. Section 213 also requires the Board to submit the application to the Department of Public Works for a written report, and requires the lot be designed to ensure that it does not become objectionable to nearby property. The lot must also comply with the provisions of Chapter 23 as they relate to accessory parking lots, including the provision requiring the lot to be kept free of refuse.

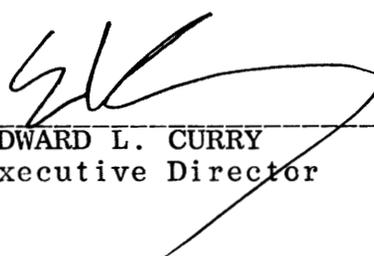
On the basis of the Foregoing Findings and Fact and the evidence of record, the Board concludes that the applicant has failed to meet the requirements of Chapter 23, Section 213, and Sub-section 3108.1. The applicant has not shown that the lot will be kept free of trash or that it would be adequately supervised to prevent the noise, fumes and violent crime resulting from the illegal use of the lot from

becoming objectional to nearby residents. The Board concludes that the exception would not be in harmony with the Zoning Regulations or Maps, and would adversely affect neighboring property. The Board therefore ORDERS that the application is DENIED.

VOTE: 5-0 (Maybelle T. Bennett, Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to deny).

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

ATTESTED BY:

  
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EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: OCT 28 1988  
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UNDER 11 DCMR 3103.1, "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."

14625order/LJP41

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14625

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated OCT 23 1955, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Residential Action Coalition  
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EDWARD L. CURRY  
Executive Director

DATE: OCT 23 1955