

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14687, of Citicorp Savings of Washington, D.C., pursuant to 11 DCMR 3108.1, for a special exception under Sub-section 212.1 to continue to operate a parking lot in an R-4 District at premises 4201 Fessenden Street, N.W., (Square 1669, Lot 26 and 27).

HEARING DATE: October 14, 1987

DECISION DATE: November 4, 1987

FINDINGS OF FACT:

1. The property is located in an R-4 District and is described as Lots 26 and 27 in Square 1669. The site is bounded by a ten foot alley to the north, Fessenden Street, N.W. on the south, 42nd Street, N.W. on the east, and on the west by an existing bituminous parking lot and savings and loan branch office owned by the Applicant, Citicorp Savings of Washington, D.C. (successor to National Permanent Bank, F.S.B.). The parking lot and branch office are constructed on Lot 36 in Square 1669 which is zoned C-2-A. The site is located within 200 feet of an existing commercial district and is contiguous with that commercial district.

2. By order dated July 29, 1974, the Board granted Application No. 11450 of Applicant's predecessor for permission to establish a parking lot on the property pursuant to then Section 3101.48 of the Zoning Regulations, the site then being in an R-2 District and vacant and unimproved. Said Order was granted conditionally for a period of five years.

3. By Order dated October 3, 1979, the Board granted Application No. 12996 of the Applicant's predecessor for a special exception under then Paragraph 3104.44 of the Zoning Regulations to continue the operation of the parking lot on the subject property, the subject property then being in an R-4 District. The Order was granted conditionally for a period of four years.

4. By Order dated September 28, 1983, the Board granted Application No. 14040 of Applicant's predecessor for a special exception under Section 3104.44 to further continue the operation of the parking lot on the subject property for a further period of four years to expire July 19, 1987.

5. Pursuant to Sub-section 3108.1 11 DCMR, the applicant is seeking a special exception under Sub-section 212.1 to continue to operate the parking lot. The subject lot is contiguous to the parking facility on Lot 36 and together the facilities form one parking lot serving the Applicant's adjacent savings and loan branch facility and other parking needs in the Wisconsin Avenue and Fessenden Street area.

6. There are 27 spaces on the entire parking lot which is managed by Doggett Parking Company. There are no arrangements for parking on an hourly or daily basis. Six spaces are reserved specifically for Applicant's customers. The remaining spaces are for use by Applicant's employees and monthly contract users. The number of such monthly contracts varies slightly from time to time. Approximately 15 parking spaces are leased to users on a monthly basis. The monthly users consist mainly of nearby commercial entities or their employees, such as Stuart and Maury, Inc., Western Exterminating Company, York Flowers, Inc., etc. Worshipers at the Armenian Apostolic Church, directly across 42nd Street, N.W., are permitted to use the parking lot without charge while attending church services.

7. The current conditions and the experience of the past thirteen years demonstrates that the requirements of Sections 2303 of the Zoning Regulations and the conditions imposed upon the granting of the Board's Order in Application No. 14040 have been and are fully met.

8. The lot does not increase traffic flow in the area and relieves parking congestion in the area.

9. Parking in the area is generally inadequate to accommodate the office and retail establishments located there. Parking in the nearby residential areas is subject to the restrictions of residential permit parking. On Wisconsin Avenue, there is no parking at all permitted during the morning and evening rush hours on the respective sides of the street. The only other parking on Wisconsin Avenue is metered parking. One of the basic factors leading to traffic congestion in the area is on-street parking and double parking by patrons of the retail establishments along both sides of Wisconsin Avenue.

10. By memorandum dated September 18, 1987, the Department of Public Works (DPW) reported that the parking lot is in good condition, well landscaped and adequately screened from all adjacent residential properties. DPW further reported that if the lots were discontinued, parking spillover would adversely affect the surrounding residential neighborhood. The DPW has no objections to the continuation of the use. The Board concurs.

11. By letter dated September 11, 1987, Advisory Neighborhood Commission (ANC) 3E reported that it voted not to oppose the application if the parking lot continues to operate in the same manner with the same conditions and if it is not expanded. The Board concurs.

12. A Neighbor of the site, St. Mary's Armenian Apostolic Church, submitted a letter to the record in support of the application.

13. There was no opposition to the application at the public hearing or of record.

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 Sub-section 3108.1 and Sub-section 212.1 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The parking lot is located in its entirety within 200 feet of an existing commercial district. The lot is contiguous to the commercial district. The lot complies with all provisions of Chapter 23 11 DCMR. No dangerous or otherwise objectionable traffic conditions will result from the continuation of the use, and the present character and future development of the neighborhood will not be affected adversely. The parking lot is reasonably necessary and convenient to other uses in the vicinity so that it provides a reduction in overspill parking on neighborhood streets. The DPW reported that it had no objection to the continued operation of the lot. 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.

The Board concludes that it has accorded to Advisory Neighborhood Commission 2E the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS from the date of expiration of the previous approval, namely from July 29, 1987.
2. The parking layout and landscaping shall be as shown on the site plan marked as Exhibit No. 8 of the record.

3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. 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.
7. 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.
8. 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: 4-0 (William F. McIntosh, Maybelle T. Bennett, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill abstaining).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

FEB 26 1988

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."

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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