

PUBLIC HEARING--April 14, 1965

Appeal #8138 Margaret Weaver, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered on May 17, 1965:

ORDERED:

That the appeal to establish a parking lot at 39th and McKinley Streets, N.W., lots 5, 6, 7, 17 and 18, square 1860, be conditionally granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property has a frontage of 161.38 feet on McKinley Street, 228.61 feet on 39th Street and 51.32 feet at the northern end of the property. The property is separated from the C-1 frontage on Connecticut Avenue and Northampton Street by a public alley. The property contains an area of 25,021.21 square feet.

(2) Appellant's property is located in the R-2 District, which district extends north to the District Line with the exception of the C-1 Connecticut Avenue frontage, and to the west and south for many blocks.

(3) Past zoning history indicates that this Board, under appeal #5664 dated September 18, 1959, granted permission to establish a parking lot for a period of two years on this property and that permit was never taken out. On September 22, 1964 the Zoning Commission denied without hearing a request to change the zoning of this property to C-1 and after hearing on December 15, 1964, the Commission again denied permission to change the zoning to C-1. Diagonally across McKinley Street this Board approved a parking lot at 3820-26 McKinley Street in 1953 and again in 1957. A plat plan on file in this appeal indicates that this parking lot has a frontage on Morrison Street.

(4) Appellant proposes to establish a public parking lot at this location for approximately 56 automobiles.

(5) The Department of Highways and Traffic offers no objection to the granting of this appeal provided the proposed driveway on McKinley Street be eliminated.

(6) There was objection to the granting of this appeal registered at the public hearing. There was also a petition filed in favor of the granting of this appeal.

OPINION:

We are of the opinion that the granting of this special exception to permit an automobile parking lot at this location will not, subject to the conditions and limitations placed this lot, create dangerous or otherwise objectionable traffic conditions, nor will it affect adversely the present character and future development of the neighborhood. We find that the lot is reasonably

necessary and convenient to other uses in the vicinity, which includes parking for the commercial area immediately across the alley which will, in our opinion, relieve parking on these two streets. Further, the lot will be screened, walled in, and be chained off after midnight.

To provide this neighborhood with the maximum of protection from unsightliness and other deleterious effects, the Board makes the following conditions mandatory to the granting of this appeal:

(a) Permit shall issue for a period of two years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

(b) The parking lot shall be in accordance with Exhibit 18, stamped Approved Board of Zoning Adjustment by W. E. Chase.

(c) Appellant shall sod and maintain the area on both streets between the wall and the sidewalk.

(d) The driveway on McKinley Street shall be used as an entrance only.

(e) Appellant shall provide 10" high concrete copings vertical to driveway to sidewalk on McKinley Street side of the lot.

(f) The lot shall be chained and closed not later than 12:00 midnight by a chain gate at the McKinley Street entrance, which shall be located at the back line of the sidewalk line and shall be of a type that winds.

(g) Appellant shall provide chain gates at all the alley entrances.

(h) All areas devoted to driveways, access lanes, and parking areas shall be paved with materials which form an all-weather impervious surface.

(i) The parking lot shall be so designed that no vehicle or any part thereof shall project over any lot or building line.

(j) 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 district in which the parking lot is located.

(k) No vehicular entrance or exit shall be within 25 feet of a street intersection as measured from the intersection of the curb lines extended.

(l) Any lighting used to illuminate the parking lot or its accessory buildings shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

Occupancy permit shall not issue until all conditions of this Order are met and complied with. Further, the Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.