

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 18, 1966

Appeal No. 8749 Lloyd A. Rosenbusch, appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and carried, with Mr. Wm. McIntosh dissenting, the following Order was entered by the Board at its meeting on May 31, 1966.

EFFECTIVE DATE OF ORDER: July 27, 1966

ORDERED:

That the appeal for permission to extend nonconforming apartment use into the basement at 3336 P Street, N.W., lot 829, square 1245, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) Appellant's property is located in an R-3 District.
- (2) Appellant states that occupancy permit for apartments has been issued for the subject premises since 1945. At that time, the building was remodeled for four apartments, one on the first floor, two on the second floor, and one in the basement. All of these apartments have been in continuous use since 1945.
- (3) The property is improved with a two-story brick dwelling with basement.
- (4) Appellant states that he occupies the basement apartment and has lived in it for 20 years. He has lived in the house for 64 years.
- (5) There was opposition to the granting of this appeal. The Citizens Association of Georgetown expressed opposition to the granting of this appeal and in addition, a petition signed by fourteen (14) persons residing in the neighborhood was filed in opposition. The record contains two letters favoring the appeal.

OPINION:

We are of the opinion that the extension of this nonconforming use into the basement will have no adverse affect upon the present character or future development of the neighborhood. The proposed use is consistent with the past and present use of the subject premises and will have no substantial detrimental effect upon the purpose, intent, or integrity of the zone plan as embodied in the Zoning Regulations and Map.

OPINION:

It is the opinion of the Board that this accessory off-street parking is so designed that it is not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. The proposed parking is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property.

The Order shall be subject to the following conditions:

- (a) All areas devoted to driveways, access lanes, and parking areas shall be paved with materials which form an all-weather impervious surface.
- (b) The parking spaces shall be so designed and that no vehicle or any part thereof shall project over any lot line or building line or over the public alley.
- (c) An lighting used to illuminate the parking lot shall be so arranged that all direct rays of light are confined to the surface of the parking lot.
- (d) All buildings on adjacent lots with walls on the lot line of lot 815, square 139 shall be protected by bumper stops on the lot.
- (e) Appellant shall provide a covenant running with the land providing that the two off-street parking spaces be maintained so long as premises 1825 M Street, NW., is used as a restaurant.
- (f) Certificate of Occupancy shall not issue until appellant has complied with the conditions set forth in this Order.
- (g) The Board reserves the right to revoke the certificate of occupancy upon a proper showing that the terms and conditions of this Order have been violated.