

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- March 22, 1967

Appeal No. 9149 Harry F. Stimpson, Jr., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on August 16, 1967.

EFFECTIVE DATE OF ORDER - Oct. 2, 1967

ORDERED:

That the appeal for permission to establish a parking lot with attendant parking for a period of 2 years at 1220-1224 Massachusetts Avenue, 1228-34 Massachusetts Avenue and 1109-15 13th Street, NW., lots 816,817,41,28-30 inclusive, square 283, be granted conditionally.

FINDINGS OF FACT:

- (1) The subject property is located in an SP District.
- (2) The Board inspected the site on March 21, 1967 and found three 3-story brick dwellings, two of which were being razed. There was debris on portions of the site.
- (3) In Appeal Nos. 8322-23-24, the Board conditionally granted permission to establish an automobile parking lot at 1101-1115 - 13th Street, 1220-1224,1228 and 1234 Massachusetts Avenue, NW., lots 41,28,29,816,817,30,24-27, inclusive, square 283, for a period of one (1) year. This Order was entered on August 25, 1965.
- (4) In Appeal No. 8935 the Board granted The Washington Daily News permission to establish a parking lot at 1220-1224 Massachusetts Ave., NW., lots 28,29,20, square 283, for employees. The Board's Order was effective December 19, 1966.
- (5) In Appeal No. 8990 the Board authorized the establishment of a parking lot for five (5) years at 1229 L Street, NW., lots 24,25,26,27,809,810, square 283. This Order was effective April 11, 1967.

(6) By letter dated March 28, 1967 (Exhibit No. 16) appellant requested that the Board amend this appeal to include lots 809,810,24,25,26,27, the public alley, 816,817, 41,28,29, and 30 in square 283. This amendment was accepted by the Board.

(7) By letter dated May 31, 1967 (Exhibit No. 20) the appellant was informed "that any and all Orders granting permission for parking on lots at the southeast corner of 13th Street and Massachusetts Avenue, NW, and extending down 13th Stree to the northeast corner of L Street, NW. are vacated and declared null and void. It is found that none of the lots have been brought into compliance with Board's requirements inthe Orders ***"

(8) Two letters dated June 7, 1967 (Exhibits No. 23 and 24) were sent to tenants of the subject lots by Gorman P. Young, Weaver Bros., Inc., agent for Harry F. Stimpson, Jr., informing the tenants that they must cease using the premises for parking purposes.

(9) Appellant stated that it is proposed to erect an SP apartment building at the subject site whenever there are favorable financial conditions.

(10) On May 26, 1967 appellant presented a proposed screening plan for the lots involved in this appeal. The Board took the plan under advisement at its meeting on June 20, 1967.

(11) The proposed plan was submitted to the Public Space Committee which reviewed the plan and made recommendations to the Board of Commissioners. (See Exhibit No. 25)

(12) By Memorandum dated August 4, 1967 and approved by the Board of Commissioners on August 8, 1967, the plan submitted by the appellant was accepted (BZA Exhibit No. 28a) The Commissioners' letter to the appellant states:

"Upon recommendation of the Public Space Committee, the Board of Commissioners, D.C. has approved your request for the use of public space as shown on the plan transmitted with your submission to the Board of Zoning Adjustment (BZA Appeal #9149, Exhibit No. 19). Permission to occupy public space in this manner is being granted under the following conditions:

- (1) that the applicant obtain the required public space permit;
- (2) that a lack of proper maintenance on the part of the applicant shall constitute sufficient cause for terminating the occupancy variance; and,
- (3) that the earth berms shall be removed by the applicant at the termination of the occupancy variance. Under no circumstances shall the top of the berm be used for measurement of FAR requirements in connection with a new building on this site."

(13) The Department of Highways and Traffic offers no objection to the granting of this appeal and states: "The establishment of this parking lot should create no traffic problems on 13th Street and should help relieve the parking problem of persons working or shopping in this congested area of 13th Street."

(14) Public Space Permit No. B164452 (Exhibit No. 30a) was issued August 15, 1967 and expires November 15, 1967.

(15) Opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that the establishment of this parking lot will not create any dangerous or otherwise objectionable traffic conditions, that the present character and future development of the neighborhood will not be adversely affected, and that the lot is reasonably necessary and convenient to other uses in the vicinity. However, the certificate of occupancy shall not issue until the conditions hereafter set forth in this Order are complied with.

This Order shall be subject to the following conditions:

- (a) The lot shall be developed in accordance with plans on file with the Board of Zoning Adjustment and marked BZA Exhibit No. 19.
- (b) Appellant shall adhere to the conditions recommended by the Public Space Committee and approved by the Board of Commissioners, D.C. and filed and marked BZA Exhibit No. 28.

- (c) Permit shall issue for a period of 2 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.
- (d) All areas devoted to driveways, access lanes and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- (e) Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- (f) No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- (g) 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.
- (h) 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 structures are otherwise permitted in the zoning district in which the parking lot is located.
- (i) 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.

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.

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

ATTESTED:

JAMES E. BESS
Administrative Officer