

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 16, 1967 and  
REHEARING -- October 18, 1967

Appeal No. 9325 United Capitol Corporation, 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 October 31, 1967.

EFFECTIVE DATE OF ORDER -- Dec. 18, 1967

ORDERED:

That the appeal for permission to establish a parking lot for 5 years at 1730-32 - 16th Street, NW., lots 801 and 64, square 178, be conditionally granted.

FINDINGS OF FACT:

- (1) The subject property is located in an R-5-C District.
- (2) The property is now unimproved, as the improvements were razed approximately six (6) months prior to the public hearing.
- (3) It is proposed to use the lot for parking of automobiles of tenants of apartments in the area. The spaces would be leased on a monthly basis to individual tenants.
- (4) The Department of Highways and Traffic offered no objection to the granting of this appeal and states: "The operation of this small parking lot should create no traffic problems on 16th Street but should relieve the parking problem in this congested area."
- (5) By letter dated August 18, 1967 (BZA Exhibit No. 12) the appellant was notified that the Board had conditionally granted the appeal. The following conditions were to be met:
  - (1) A 42 inch brick wall shall be erected across the 16th Street frontage with a pedestrian gate on 16th Street.
  - (2) Lot shall be paved with an all-weather impervious surface.
  - (3) Bumper stops shall be erected to protect all adjacent buildings.
  - (4) There shall be no signs, no booths, and no transient parking.
  - (5) Parking shall be limited to leased parking by neighboring dwellers.

(6) On September 13, 1967 a Petition for Rehearing was submitted by the 1600 S and Riggs Block Association Northwest (BZA Exhibit No. 13). The request for rehearing gave the following reasons:

- (a) The procedure followed at the hearing was illegal and denied opponents the opportunity to present their evidence.
- (b) The notice of the hearing was inadequate as a matter of law.
- (c) The Board's approval of the variance was invalid in that the minutes of the meeting of which the appeal was approved do not set forth the reasons for granting the variance.

(7) At its meeting of September 19, 1967 the Board agreed to a further hearing in this case and the interested parties were notified to appear at the public hearing scheduled for October 18, 1967.

(8) Objections were raised at the public hearing of August 16 and again at the hearing of October 18. The objections were that the parking lot would change or destroy the residential character of the neighborhood, that the lot would create dangerous conditions for the children of the area, and that the lot would increase the traffic through the abutting alley.

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.

The proposed lot is located in an area that is very busy and furnishes very little off-street parking. We believe that the policy of providing as many spaces as possible off the street is good and invaluable as a solution to the complex parking problem of the urban areas. Although, this lot will be surrounded by residences and apartments where is little likelihood that it will be more objectionable than a bare vacant lot where debris may accumulate. Further, parking lots are granted as an exception

to the residential provisions of the Zoning Regulations and subject to the scrutiny and continuous supervision of the Board whereas a vacant unused lot in the residential would have no such controls.

This Order shall be subject to the following conditions:

- (a) This parking lot shall be limited to twenty-five automobiles.
- (b) Appellant shall erect a 42 inch brick wall along the 16th Street frontage of the lot except for driveway. A fence shall be erected along the alley line of the lot.
- (c) The lot shall be paved with an all-weather impervious surface.
- (d) Bumper stops shall be erected to protect all adjacent buildings.
- (e) There shall be no signs, no booths, and no transient parking.
- (f) Parking shall be limited to leased parking by neighboring dwellers.
- (g) ~~No vehicle or any part thereof~~ shall be permitted to project over any lot or building line or on or over the public space.
- (h) Any lighting used to illuminate the parking lot 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.