Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - February 12, 1969

Appeal No. 9924 Washington Mortgage Investment, et al, appellants.

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 February 12, 1969.

ORDERED:

That the appeal for permission to continue a parking lot for five years at 1613 New Hampshire Avenue, N.W., lots 829 and 830, Square 155, be denied.

FINDINGS OF FACT:

1. The subject property is located in an SP District.

2. Appellant presently operates a parking lot on the subject property under BZA Appeal No. 7573-74 entered on January 29, 1964.

3. Certificate of Occupancy obtained February 7, 1964, is numbered B-44899 and bears the expiration date of January 29, 1969.

4. Appellant proposes to continue operation of the parking lot for a period of five years.

5. Opposition to the granting of this appeal was registered at the public hearing by the surrounding property owners alleging that the subject lot is incompatible with the vastly improved nearby properties, that danger is posed for children using the park, that illegal activity takes place on the lot after nightfall and that automobiles are parking over public space and in the public alley.

6. The Department of Highways and Traffic offers no objection to the granting of this appeal.

OPINION:

We are of the opinion that the continuation of the subject parking lot at this location must be denied. To permit the requested relief will affect adversely the present character

and future development of the neighborhood and will be detrimental to the public good. We conclude that to presently grant permission sought will not be in harmony with the general purposes and intent of the Zoning Regulations and maps.

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

ATTESTED:

By: Charles E. Morgan
CHARLES E. MORGAN
Secretary of the Board

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - March 19, 1969

Appeal No. 9924 Washington Mortgage Investment, et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. Harps and Davis dissenting, the following Order was entered at the meeting of the Board on March 25, 1969.

ORDERED:

That the request for rehearing and/or reconsideration of the Appeal No. 9924 for permission to continue a parking lot for five years at 1613 New Hampshire Avenue, N.W., lots 829 and 830, Square 155, be denied.

FINDINGS OF FACT:

1. The Board of Zoning Adjustment, in executive session on February 12, 1969, after public hearing on February 12, 1969, voted unanimously to deny permission to continue the subject parking lot, whose Certificate of Occupancy expired on January 29, 1969.

2. The record owner of lot 829 requests rehearing of this appeal alleging lack of knowledge of the processing of this application before the Board.

3. Attorney of record, at public hearing on February 12, asserted representation for applicants in this appeal.

OPINION:

The Board is of the opinion that this request for rehearing must be denied. The facts remain the same as they were at the time of the original hearing and no new evidence has been presented which was not or could not have been presented at the original hearing.

The record owner of lot 829 in Square 155 comes now to object to the processing of Appeal No. 9924 alleging that he was not notified of the pending appeal before this Board.

The official transcript of the public hearing of this appeal held on February 12, 1969, contains the statement of the attorney for the appellants alleging representation in this appeal. The appellants are alleged tenants of the property in question. Presumably, the tenant acts with the consent of the landlord in accordance with a contract entered between the two parties. In this particular case, the subject property was leased to be used for the purpose of commercial automobile parking. Knowledge of the law is implied. As related to this appeal, the owner is presumed to have had knowledge that the use of this property for automobile parking could not be obtained without the Certificate of Occupancy which could only be obtained after Board approval of an application made. The Certificate of Occupancy under which the subject parking lot operated expired on January 29, 1969. Therefore, we hold the alleged "lack of knowledge" by the record owner of lot 829 to be a claim without merit.

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

ATTESTED:

By: Charles E. Morgan

CHARLES E. MORGAN
Secretary of the Board