

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Realty Ventures, Inc.
ANC 3B

STATEMENT OF THE APPLICANT

This is the application of Realty Ventures, Inc. ("**RVI**" or "**Applicant**") for special exception relief to allow the continuation of an accessory parking lot. The property that is the subject of this application is 2330-2338 Wisconsin Avenue, NW (Square 1300, Lot 815) (the "**Property**"). The Property is included in both the NO/C-2-A and NO/R-3 Zone Districts. A Surveyor's plat is attached as Exhibit B, and a portion of the District of Columbia Zoning Map is attached as Exhibit C.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment ("**BZA**" or "**Board**") approve a special exception under Section 214 (accessory parking) for a term of 15 years.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1).

III. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Property is located in the Burleith-Hillandale neighborhood of Ward 3. The Property is a trapezoidal-shaped through lot and contains approximately 28,305 square feet of land area. It is bounded to the north by commercial and residential properties, to the south by multifamily and single-family residential properties, to the east by Wisconsin Avenue, and to the west by 37th Street.

The Property is improved with a one-story retail building fronting on Wisconsin Avenue and a surface parking lot in the rear. The retail building contains four retail establishments, and the rear

parking lot serves the retail building. The parking lot is accessed from 37th Street and is within the portion of the Property zoned NO/R-3. The retail building is within the portion of the Property zoned NO/C-2-A.

The surrounding area is developed with predominantly moderate-density commercial uses to the east and north. Most of the commercial area is dominated by one or two-story retail uses and small offices. Across Wisconsin Avenue to the east is a Whole Foods supermarket. To the north fronting on 37th Street are row dwellings. To the south are a medium density multifamily residential building fronting on Wisconsin and townhouses fronting on 37th Street. Across 37th Street to the west are primarily detached single-family dwellings.

IV. THE PROPOSED PROJECT

The retail building and the parking lot have a long history in the neighborhood. The parking lot has existed to serve retail establishments in the neighborhood since 1941. It has been approved as an accessory parking lot multiple times by the Board starting before 1975. The parking lot was most recently approved, without opposition, by the Board in 1999 in Order No. 16480 (attached as Exhibit D). That Order approved the parking lot for a term of 15 years, which expires on October 31, 2014.

The parking lot contains 29 striped spaces on an open paved surface in the configuration as shown on the site plan attached as Exhibit E and in the photos attached as Exhibit F. The parking lot does not contain an attendant's shelter or any other structure, and it is entirely open to the outside. Along the southern property line, the parking area is screened with a wood fence that varies from four feet high (near 37th Street) to eight feet high (along the adjacent properties). Along the northern property line, the parking area is partially screened with a stone wall (near 37th Street) and a six foot wood fence (closer to the retail building). With this application, the Applicant

proposes to maintain the same number of spaces in the same configuration with the same improvements and landscaping. The parking lot operates during normal business hours of operation as determined by the tenants in the retail building. It is not used at night when the retail establishments are closed. Other than the term of renewal, the Applicant does not propose any changes to the parking lot or its operation.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF FOR ACCESSORY PARKING

Sections 214.2 – 214.7 set forth the special exception criteria that the Application must satisfy for the Board to approve accessory parking spaces. As described below, this parking lot satisfies these requirements.

- A. Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade (Section 214.2).*

As described above, the parking spaces are all above grade in an open area on the surface of the Property.

- B. Accessory parking spaces shall be located in their entirety within 200 feet of the area to which they are accessory (Section 214.3).*

The parking spaces will be accessory to the retail building at 2330-2338 Wisconsin Avenue. No parking space will be located more than approximately 165 feet from the retail building.

- C. Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory (Section 214.4).*

All of the accessory parking spaces will be contiguous to the retail building at 2330-2338 Wisconsin Avenue. The parking lot is on the same lot as the retail building, and nothing will separate the parking lot from the retail building.

D. All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under § 2303.3 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose (Section 214.5).

The parking lot will comply with all provisions of Sections 2303.1 and 2303.2, as described below.

- 1) All areas devoted to driveways, access lanes, and parking areas shall be surfaced and maintained with an all-weather surface (Section 2303.1(a)).

The entirety of the parking area and the driveway to enter it will be surfaced and maintained in bituminous pavement, which is an all-weather surface.

- 2) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line (Section 2303.1(b)).

As shown on the site plan, the parking spaces are configured so that all vehicles parking in them will be entirely within the parking lot. Parking spaces along the northern side of the lot will be separated from the property line by more than six feet, and parking spaces along the southern side of the lot will be separated from the property line by at least three feet. In addition, all parking spaces will contain concrete wheel stops to prevent any vehicles from encroaching beyond the parking area.

- 3) 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 (Section 2303.1(c)).

As shown on the site plan, the parking lot will not contain any structures, and the Applicant will not construct any structures in the future. The Applicant will not use the parking lot for any purpose other than providing parking for patrons of the retail building.

- 4) No vehicular entrance or exit shall be within 40 feet of a street intersection (Section 2303.1(d)).

The nearest intersection to the parking lot entrance is 37th Street and Tunlaw Road to the south. The distance to this intersection is approximately 235 feet, which is well in excess of the minimum required distance.

- 5) Any lighting used to illuminate a parking lot or its accessory building shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot (Section 2303.1(e)).

Condition number 8 of BZA Order No. 16480 (the most recent) required the same restriction on lighting. Accordingly, the parking lot already complies with this requirement, and all lighting is directed downward and illuminates only the surface of the parking lot. With this Application, the Applicant will continue to direct the lighting so that direct rays are confined to the parking lot.

- 6) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of 5% of the total area of the parking lot, or an area as determined by the BZA (Section 2303.1(f)).

As previously stated, the parking lot has operated in its current location since 1941. The parking lot contains landscaping along the north and south sides, which serves as a buffer between the paved surface and the property lines. The landscaping includes grass with, trees, and shrubs, and it covers at least 10% of the parking lot. This landscaping condition has prevented water runoff problems for the neighborhood and has provided an adequate buffer between the parking lot and adjacent residential properties. The Applicant does not propose any changes to this landscaping. Accordingly, since the Applicant requests that an existing non-problematic parking lot be permitted to continue operation and approve the existing landscaping condition.

- 7) A parking lot located in an R-3 District shall be screened from all contiguous residential property located in the R-3 District by a solid brick or stone wall at least 12 inches thick and 42 inches high (Section 2303.2(a)).

Along the southern property line, the parking area is screened with a wood fence that varies from four feet high (near 37th Street) to eight feet high (along the adjacent properties). Along the northern property line, the parking area is partially screened with a stone wall (near 37th Street) and a six foot wood fence (closer to the retail building). Accordingly, since the lot has operated without causing a significant disturbance to neighboring properties, the Applicant requests that the Board waive the full requirements of this section and permit the existing fencing condition to remain without the requirement for additional fencing.

- 8) All parts of the lot devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaped (Section 2303.2(b)).

As described above, the parking lot is either paved, in the area for cars, or is landscaped along the perimeter. The Applicant employs a management company that regularly maintains the parking lot to keep it free of refuse and debris, and it will continue to do so.

E. It shall be deemed economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of (a) strip zoning or shallow depth and (b) restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot (Section 214.6).

As the zoning map illustrates, the zone line separates the parking lot from the retail building, making it impossible to locate any parking within the commercial zone. In addition, locating the parking under the retail building would not be feasible due to its old age and small size that would prevent the ability to provide any underground parking ramps or drive aisles within its footprint.

F. Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions (Section 214.7).

Based on its long history, the accessory parking lot is not likely to become objectionable to adjoining or nearby properties. The parking lot has operated in this location for more than 70 years without causing adverse noise, traffic, or other conditions. Because the parking lot will be maintained in its current configuration and state, there is no reason that the requested approval for the parking lot's continuation will begin to cause objectionable conditions in the neighborhood. Indeed, parking is in high demand in this neighborhood, and this parking lot helps relieve some of the pressure on street parking.

G. The Requested Relief will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps and will not Tend to Affect Adversely the Use of Neighboring Property

The accessory parking will not adversely affect the use of neighboring property. As discussed above, the parking lot has operated without adversely impacting neighboring properties for decades and will continue to operate without causing problems. Since the parking lot will satisfy the requirements for special exception relief set forth in Sections 214.2 – 214.7, the requested special exception for accessory parking will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Map.

VI. EXHIBITS

EXHIBIT A	Application Form, Self-Certification Form, and Letter of Authorization
EXHIBIT B	Surveyor's Plat
EXHIBIT C	Excerpt of Zoning Map
EXHIBIT D	BZA Order No. 16480

EXHIBIT E	Site Plan
EXHIBIT F	Photos of Parking Lot
EXHIBIT G	List of Property Owners within 200 Feet

VII. CONCLUSION

Based on the foregoing analysis and conclusions, the Applicant respectfully requests that the Board grant the special exception relief requested and approve the existing accessory parking lot for another term of 15 years.

Respectfully submitted,
GOULSTON & STORRS, P.C.



Paul A. Tummonds, Jr.



Cary R. Kadlecek