

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION
APPLICANT'S STATEMENT

Hwa Golden (Owner/Applicant)
6400 Georgia Ave., N.W.; Square 2945, Lot 852

I. INTRODUCTION.

This application requests special exception approval pursuant to Section 213 of the District of Columbia Zoning Regulations for the continued use of an accessory parking lot (the “**Parking Lot**”) located in the R-1-B Zoning District in Square 2945, Lot 852 and located adjacent to 6400 Georgia Ave., N.W. (Square 2945, Lot 851). The Parking Lot has been operated as an accessory parking lot since at least the early 1950s. The Board of Zoning Adjustment approved the use of the Parking Lot for accessory parking in 1974, 1977, 1982, and again in 1989. The Parking Lot has been operated with forty (40) spaces.

The Parking Lot is used by the retail and office tenants of the commercial building located at 6400 Georgia Ave., N.W. The Applicant requests approval to continue operation of the Parking Lot under the same conditions which this use was most recently approved in BZA Order No. 14998, issued in November of 1989, with the exception that: (i) the Applicant requests approval for a period of twenty (20) years instead of five (5); and (ii) repaving of the Parking Lot is not necessary.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING NEIGHBORHOOD.

The Parking Lot is located to the rear of 6400 Georgia Ave., N.W., across a public alley. To the west and north of the Parking Lot are residential neighborhoods. The residential neighborhood to the north of the Parking Lot is buffered from the Parking Lot by a public alley and a wooden fence. The residential neighborhood to the west of the Parking Lot is buffered from the Parking Lot by a brick wall and mature trees and shrubbery. Ground photos and an aerial photo showing the location of the Parking Lot are attached to this Application as Exhibit A.

III. BZA SPECIAL EXCEPTION HISTORY.

As set forth in BZA Order 12253, the Parking Lot has been used for accessory parking spaces since at least the early 1950s. The Board of Zoning Adjustment granted the continued use of the Parking Lot for accessory parking spaces in 1974, 1977, 1982, and 1989. A copy of the most recent approval, the 1989 BZA Order, is attached hereto as Exhibit B. These approvals were granted with various conditions. The approval in the 1989 BZA Order was granted for a period of five (5) years. This approval expired on November 7, 1994. While the number of parking spaces in previous BZA Orders ranges from thirty-three (33) to forty-two (42), as the Parking Lot is currently operating with forty (40) spaces, the Applicant is requesting an approval of forty (40) spaces. The Applicant has owned the Parking Lot since 2004 and just recently became aware of the zoning restrictions on the Parking Lot and the need for special exception relief.

IV. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SECTIONS 3104 AND 213.

A. Overview.

Pursuant to Section 3104.1 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception 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, subject also, in this case, to the specific requirements for relief under Section 213 of the Zoning Regulations.

Uses that are permitted by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000). This application provides satisfactory evidence that the Applicant has satisfied the relevant zoning requirements of Sections 213 and 3104.1, as described below.

B. The Special Exception Requirements.

The proposal in this application satisfies the requirements of Sections 213 and 3104.1 of the Zoning Regulations necessary to approve the proposed use of forty (40) accessory parking spaces, as follows:

Section 213.2 *A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.*

The Parking Lot is safely within 200 feet of the commercial establishments located at 6400 Georgia Ave., NW to which the Parking Lot is an accessory, as shown on the attached Exhibit C.

Section 213.3 *A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.*

The Parking Lot is separated only by an alley to the commercial establishments located at 6400 Georgia Ave., N.W. to which the Parking Lot is an accessory, as shown on the aerial photo attached as Exhibit A and the attached Exhibit D.

Section 213.4 *All provisions of chapter 23 of this title shall be complied with.*

This Application meets the requirements of Chapter 23 of the Zoning Regulations regarding parking lots.

Regarding 2303.1:

- (a) the Parking Lot is surfaced and maintained with an all-weather surface of asphalt;
- (b) no parking spaces project over any lot line or building line;
- (c) no other use is conducted on the Parking Lot;
- (d) the entrance to the Parking Lot is more than 40 feet from the intersection of Tuckerman Street NW and Piney Branch Road NW;
- (e) any lighting is directed down to the surface of the Parking Lot; and

(f) the Parking Lot is kept free of debris and refuse, and is landscaped in areas which require it.

Regarding 2303.2:

(a) the west side of the Parking Lot is screened from the contiguous residential property by a solid brick wall that is at least twelve (12) inches thick and forty-two (42) inches high;

(b) all parts of the Parking Lot not devoted to parking areas, driveways, access lanes, an attendant's shelter, or the required screening walls, are kept free of refuse and debris and are landscaped in areas which require it.

Section 213.5 *No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.*

To the Applicant's knowledge, the Applicant has not received a complaint about the operation of the Parking Lot since the last approval in 1998. The Parking Lot has separate lanes for the entrance and exit from Tuckerman Street NW and one-way circulation around the lot. The Parking Lot is well-buffered from the adjacent residential zone by a public alley, a wooden fence, a brick wall, and mature trees. The Parking Lot has been used for at least sixty (60) years and provides valuable parking for the commercial establishments which the Parking Lot serves, providing an outlet for cars which might otherwise park in the adjacent residential neighborhood.

Section 213.6 *The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in the overspill parking on neighborhood streets.*

The Parking Lot serves the parking needs of the multiple retail and office tenants in the commercial office building located at 6400 Georgia Ave. NW. The Parking Lot prevents overspill parking for patrons of these businesses on the neighborhood streets.

Section 213.7 *A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.*

The Parking Lot serves the short-term parking needs of the patrons of the retail and office tenants of the commercial office building located at 6400 Georgia Ave. NW.

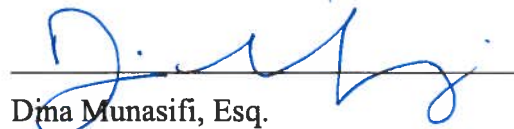
Section 3104.1 *Special Exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.*

Because the Parking Lot is well-buffered from the adjacent residential zone, provides valuable parking, serves to relieve overspill parking into neighborhoods, and has existed in the neighborhood for the past 60+ years, the special exception relief will not tend to adversely affect the use of neighboring property.

V. Conclusion.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



Dina Munasifi, Esq.
Martin Sullivan, Esq.
November 13, 2014