ORIGINAL

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Exxon Corporation

BZA Application No. 16494
Hearing Date: October 14, 1999
ANC 5A

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

This is an application pursuant to 11 DCMR 3108.1 for a special exception under Section 706.1 pursuant to Section 726 of the Zoning Regulations to allow the expansion of a gasoline service station with a retail convenience store in a C-2-A District at premises 5501 and 5515 South Dakota Avenue, N.E. (Square 3760, Lots 812 and 814).

II.
Jurisdiction of the Board

This Board has jurisdiction to grant the relief requested pursuant to Section 3108.1 of the Zoning Regulations.

III.
Background

The property is located at the northwest corner of the intersection of South Dakota Avenue and Kennedy Street, N.E. in Ward 4. Lot 812 contains approximately 16,630 square feet of land area while Lot 814 contains approximately 14,018 square feet of land area, thereby making for a site total of approximately 30,648 square feet of land area. Lot 812 is currently improved with a gasoline station while Lot 814, the adjacent lot to the west consists of a vacant one-story building last occupied by a veterinary clinic.

The subject site was previously zoned C-1, but on May 26, 1995, the District of Columbia Zoning Commission enacted Zoning Commission Order No. 774 rezoning all of the C-1 property in Square 3760 to C-2-A. The C-2-A District extends from the intersection of Chillum Place and Third Street, N.E. on the north to Kennedy Street, N.E. on the south. It extends along Second Street,

Board of Zoning Adjustment
District of Columbia
CASE NO.16494
EXHIBIT NO.22

#22

N.E. on the west to just west of Fourth Street, N.E. on the east. The C-2-A zoning district is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District outside of the central core. The C-2-A districts permit development to medium proportions and are located in low and medium density residential areas with access to main highways or rapid transit stops.

The area generally to the northeast, east and southeast of the Property lies in the R-2 district. To the south and southeast of the property is an R-5-A district. Southwest of the subject site is an FT/C-3-A district. Further northwest of the subject site, the area is zoned C-M-1.

Uses to the north of the subject site include an apartment complex called The Dakota. Additionally, further to the north, along the east side of South Dakota Avenue, N.E., there are commercial uses, including a laundry, a liquor store, and a tool rental business. To the east of the subject property there is a vacant parcel of land, and across Fourth Street, N.W., there are single family detached dwellings. South of Lots 812 and 814 there is a public library and a group of semi-detached dwellings. West, across South Dakota Avenue, N.E., a major arterial, there are several three story garden apartment houses and the Fort Totten Metrorail Station.

The special exception permitting the gasoline station use on Lot 812 was first approved by this Board in BZA Appeal No. 5865 and 5866, dated March 28, 1960. (See Exhibit F.) Lot 814 was most recently used as a veterinary clinic pursuant to BZA Order No. 14465 granting a special exception.

The Applicant plans to remove all existing improvements from both lots and to construct a new gasoline service station on the combined lots. There will also be a matter-of-right convenience store constructed on the northwest portion of the property. Six multi-product dispensers (MPDs) will be located under a canopy. (See Exhibit E.) Each MPD is capable of serving one car on each side of the island, for a maximum

capability of serving up to twelve vehicles at one time. The improvements will enhance the visibility and appearance of the site, and represent a significant economic investment in the neighborhood.

The small convenience store will have sales floor area, plus restroom facilities, a cashier's area, and storage, cooler and utility space and thirteen parking spaces.

IV.

Points in Support of Application

Exhibit A: Portion of the Sanborn Maps showing the subject site outlined in red.

Exhibit B: Portion of the Zoning Map showing the subject site outlined in red.

Exhibit C Surveyor's Plat of the subject site.

Exhibit D: Letter confirmed by acting Zoning Administrator.

Exhibit E: Plans for the project.

Exhibit F: Prior BZA Orders approving gasoline station use of Lot 812.

Exhibit G: Outline of testimony of Terri Levine of Exxon Company, U.S.A.

Exhibit H: Outline of testimony of Bhoopendra Prakash of The Plan Source

Exhibit I: Report prepared by Robert L. Morris.

V.
The Application Meets The Requirements For Special Exception Relief

A. The Application Complies With Section 726.1 Of The Zoning Regulations.

Special exception relief is required pursuant to Section 706 for the reconstruction of the gasoline station. Section 706.1 of the Zoning Regulations requires that a gasoline service station in a C-2 zone must meet certain enumerated requirements and must also meet the requirements of Section 2302 and Section 3108 of the Zoning Regulations. The application meets those requirements as follows:

1. Section 706.2: Each application submitted under this Section shall be referred to the Office of Planning in accordance with the provisions of Section 705.

This application was referred to the Office of Planning on June 28, 1999 as required.

2. Section 706.3: The station shall not be located within 25 feet of a Residence District unless separated from the Residence District by a street or alley.

The Acting Zoning Administrator has interpreted this requirement to mean that the structures serving only as a gasoline service station use may not be located within twenty-five feet of a residence district unless separated from the residence district by a street or alley. The gasoline service station structures located on lot 812 are not located within twenty-five feet of a residence district. The convenience store to be located on lot 814 is a matter of right use and is not required to meet this setback requirement.

3. Section 706.4: The operation of the use shall not create dangerous or other objectionable traffic conditions.

A gasoline service station has been located at this site for approximately the last forty years. The report of Robert L. Morris, attached as Exhibit I, indicates that the proposal will not create any dangerous or other objectionable traffic conditions.

4. Section 706.5: The Board may impose requirements pertaining to design, appearance, screening, or lighting, or other requirements as it deems necessary to protect adjacent or nearby property.

As will be further discussed in the witness testimony, the Applicant has designed the project to protect adjacent and nearby property to the greatest extent possible, including building placement and other features. As such, the Applicant believes that this provision has been met.

5. Section 706.6: Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the

parking and removal of any vehicle without moving any other vehicle on to public space.

No parking spaces are required for the canopy structure. For the matter-of-right convenience store, thirteen spaces will be provided. All parking spaces have been located on the site so that they are accessible at all times. Further, all parking spaces are designed so that sufficient access and maneuvering is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

B. The Application Complies With Section 2302 Of The Zoning Regulations.

1. Section 2302.2: No portion of the structure or premises shall be located within 25 feet of a Residence District unless separated from that District by a street or alley.

   As discussed above, the service station on lot 812 complies with this provision.

2. Section 2302.3: The use shall not have a vehicular entrance or exit connected with a street at a point closer than 25 feet to any Residence District existing at the time the use is established, unless separated from the Residence District by a street or alley.

   The vehicular entrances and exits are all greater than twenty-five feet from a residence district.

3. Section 2302.4: No driveway of any entrance or exit to the service station shall be closer than 40 feet to a street intersection as measured from the intersection of the curb lines extended.

No driveway of any entrance or exit to the service station is closer than forty feet to a street intersection as measured from the intersection of the curb lines extended.

4. Section 2302.5: All grease pits or hoists constructed or established as part of the service station shall be within a building.

   There will be no grease pits or hoists established or constructed as part of this application.

D. The Applicant Complies With Section 3108.1 Of The Zoning Regulations.

Section 3108.1 allows the BZA 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 Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. In this case, the site has been used for gasoline service station purposes for almost forty years.

The subject site is located along South Dakota Avenue, N.W., a major thoroughfare in the District of Columbia. There are various commercial uses within the vicinity of the subject site. The C-2-A District permits development to medium proportions and is intended to meet the needs of those District residents outside the central core of the city. The proposal before the Board in this application is consistent with those stated purposes.

VII.
Witness

A. Terri E. Levine, Exxon Company, U.S.A.

B. Bhoopendra Prakash, The Plan Source

C. Robert L. Morris, traffic expert.

VIII.
Conclusion

For all of the above reasons, the Applicant is entitled to special exception relief in this case.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE, CHARTERED

By: 

Christopher H. Collins



Sarah E. Shaw

SANBORNE MAPS

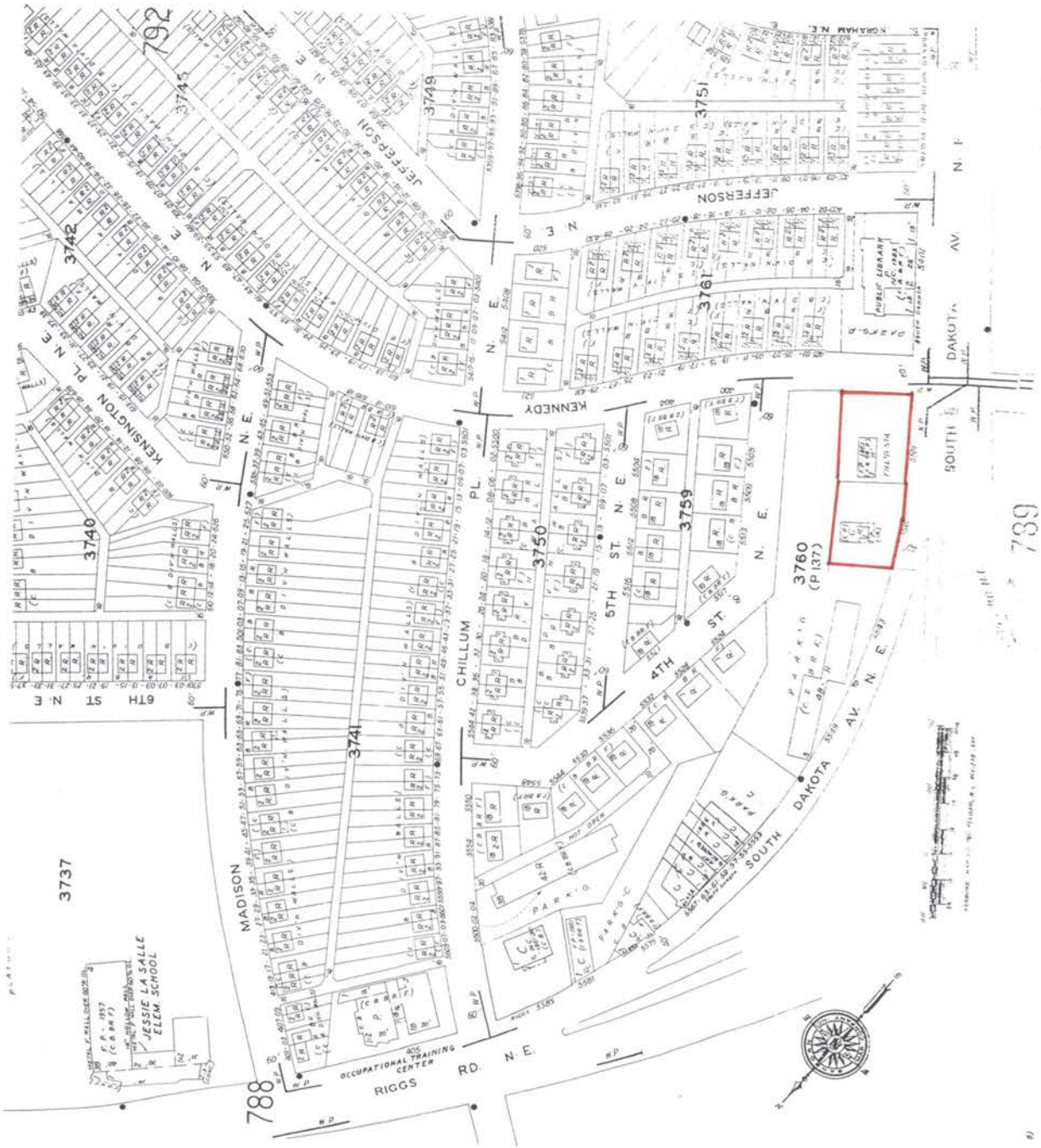
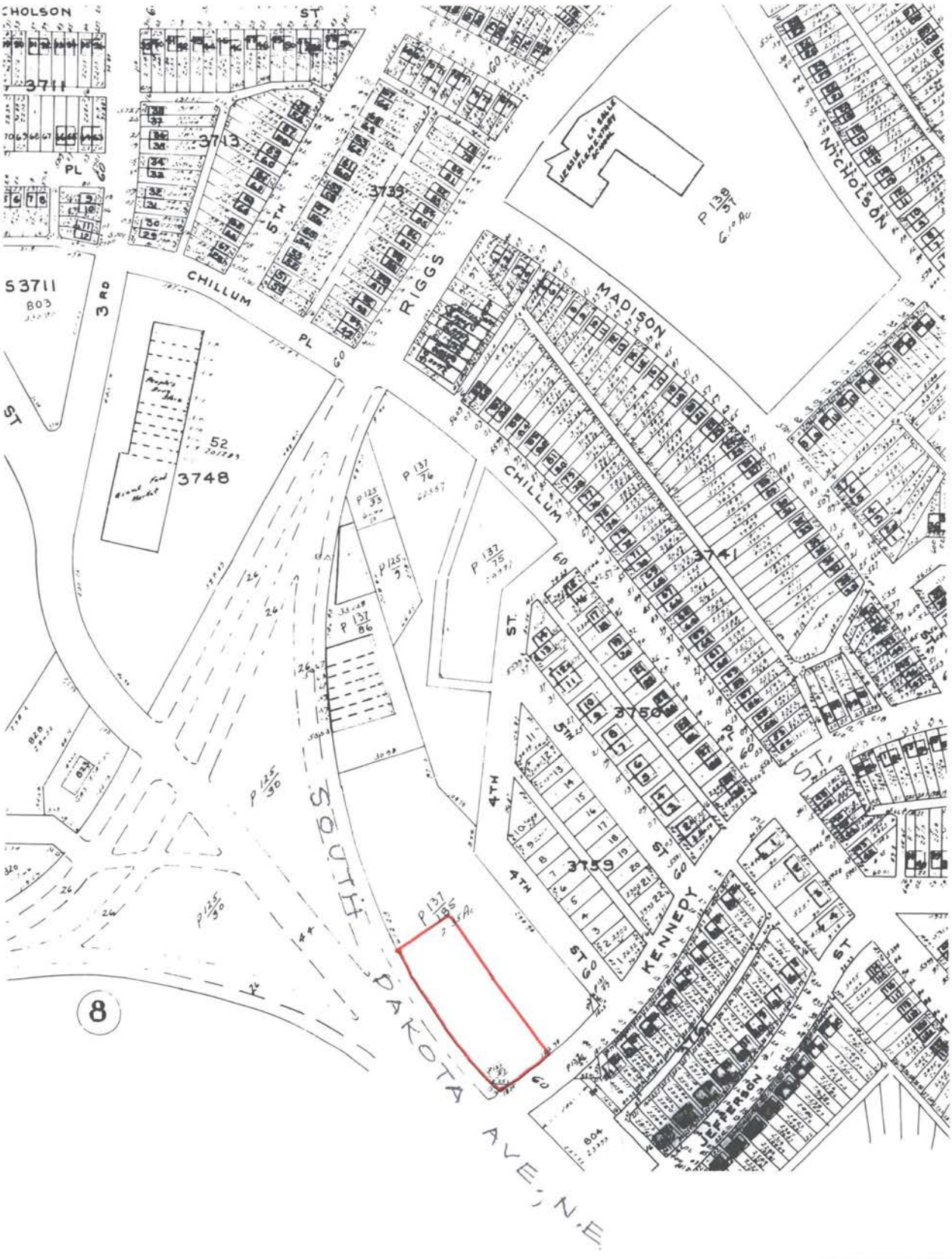


EXHIBIT A


SOUTH DAKOTA AVE
KENNEDY
3745
JEFFERSON
3749
KENNEDY ST
CHILLUM PL
41-TH ST.
SOUTH DAKOTA AVENUE N.E.
3760
3760
DAKOTA AVE. N.E.
KENNEDY STREET

BAIST MAP


CHOLSON
ST
3711
3713
3739
PL
5TH
RIGGS
JESSE L. CARLE ELEMENTARY SCHOOL
P 139/57
6.10 AC
NICHOLSON
S3711
803
3RD
CHILLUM
PL
60
MADISON
ST
52
3748
P 137/76
P 125/33
P 125/3
P 137/75
P 137/86
CHILLUM
60
ST.
3747
3750
5TH
P
60
ST.
26
P 125/30
SOUTH DAKOTA AVE, N.E.
4TH
4TH
3759
ST
60
KENNEDY
ST
P 137/185
1.5 AC
44
8
60
Jefferson
804

ZONING MAP

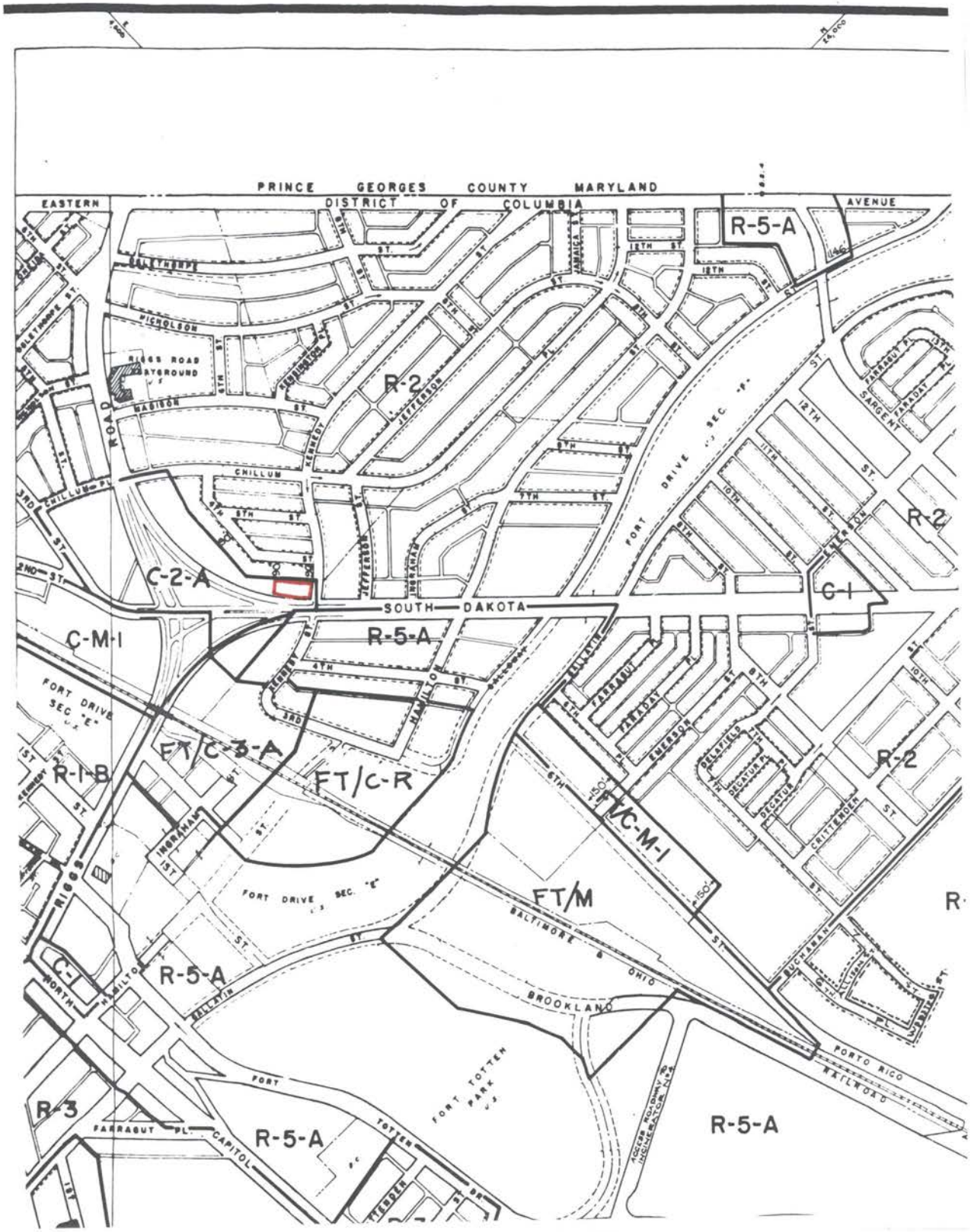


EXHIBIT B

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D. C., 7-11 19 97

Plat for Building Permit of SQUARE 3760 LOTS 814, 812

Scale: 1 inch = 30 feet Recorded in Book A&T page 35670 37187

Receipt No. 87944

Furnished to WAH&L

F.J. Surveyor, D. C.

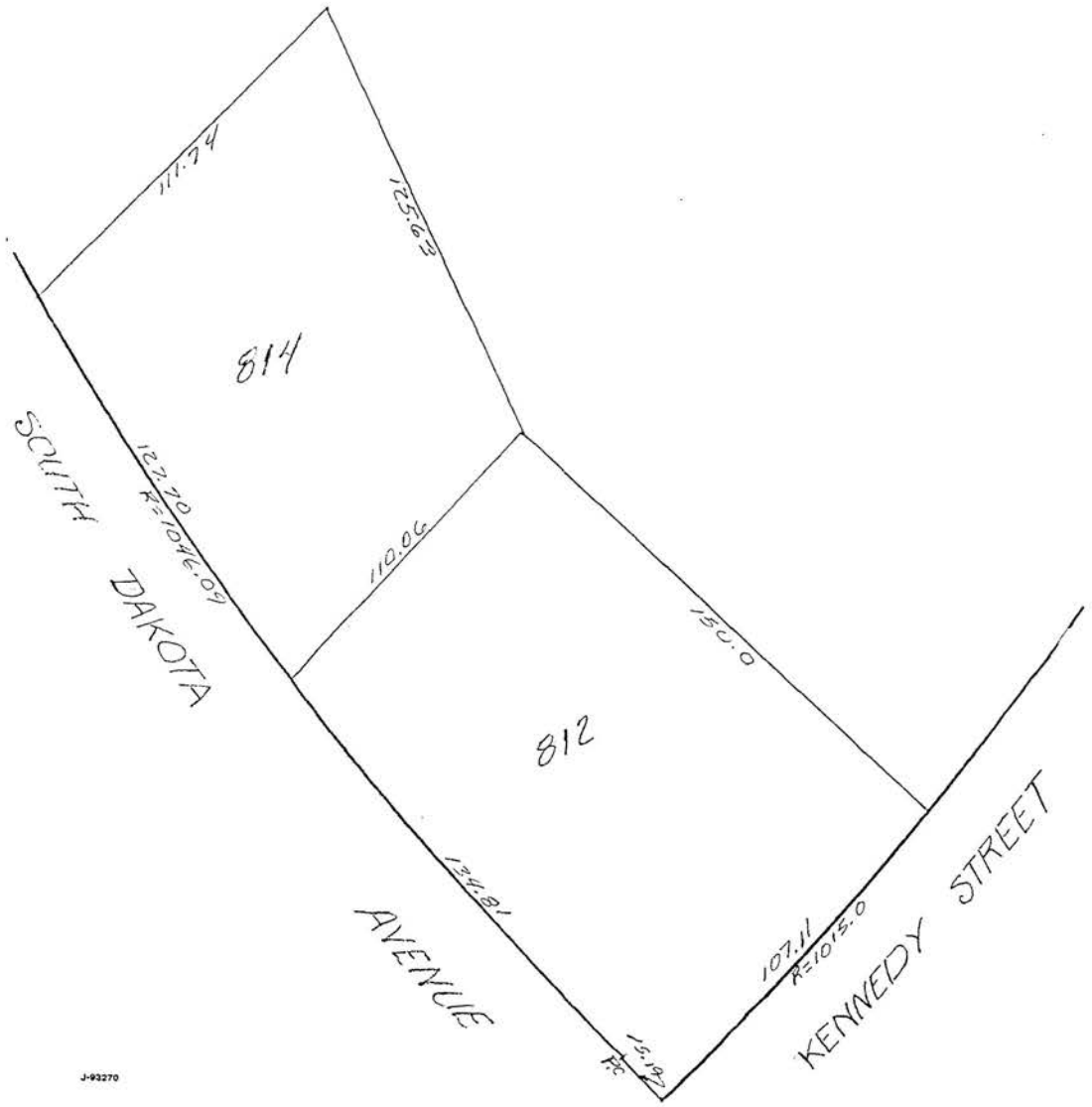
By: DA

I hereby certify that all existing improvements shown hereon, are complete dimensioned, and are correctly platted; that all proposed buildings or construction, parts thereof, including covered porches, are correctly dimensioned and platted as agree with plans accompanying the application; that the foundation plan as shov hereon is drawn, and dimensioned accurately to the same scale as the property lis shown on this plat; and that by reason of the proposed improvements to be erected shown hereon the size of any adjoining lot or premises is not decreased to an area l than is required by the Zoning Regulations for light and ventilation; and it is furth certified and agreed that accessible parking area where required by the Zoni Regulations will be reserved in accordance with the Zoning Regulations, and that t area has been correctly drawn and dimensioned hereon. It is further agreed that t elevation of the accessible parking area with respect to the Highway Departme approved curb or alley grade will not result in a rate of grade along centerline driveway at any point on private property in excess of 20% for single-family dwelli or flats, or in excess of 12% at any point for other buildings. (The policy of t Highway Department permits a maximum driveway grade of 12% across the pub parking and the private restricted property).

Date .....

.....
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



J-93270

S. O. Form 12.(

EXHIBIT C

WILKES, ARTIS, HEDRICK & LANE
CHARTERED
ATTORNEYS AT LAW
SUITE 1100
1666 K STREET, N. W.
WASHINGTON, D. C. 20006-2897
(202) 457-7800

CABLE ADDRESS: WILAN
FAX: 202-457-7814

CHRISTOPHER H. COLLINS
202-457-7841

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

June 3, 1999

Armando Lourenco, Administrator
Building and Land Regulation Administration
941 North Capital Street, N.E., Suite 2000
Washington, DC 20002

Re: Exxon Station No. 2-5705
5515 South Dakota Avenue, N.E.

Dear Armando:

Enclosed is a set of plans for the above-referenced property, including an existing condition plan, a site plan, and building elevations. The purpose of this letter is to confirm that the plan as proposed requires only special exception approval under Section 706 of the Zoning Regulations.

The property is comprised of two lots. Lot 812 is improved with an existing Exxon gasoline station. The adjacent Lot 814 is vacant. Exxon intends to combine the two vacant lots into a single record lot, and to build a new gasoline service station. The inclusion of Lot 814 in the project is considered an expansion of the gasoline station, as is the increase in the number of gasoline dispensers from four to six, and the addition of a canopy over the dispensers. Special exception relief is not required for the convenience store located on the northwestern portion of the site, because a convenience store is a matter of right use in the C-2-A zone.

No variances are required in conjunction with the application. The plan as proposed meets the requirements for height, lot occupancy, gross floor area, side yard, rear yard, residential setback and parking. There are no courts, court niches, or roof structures associated with the project, nor is there a loading requirement.

Please confirm your concurrence with the matters set forth herein by signing a copy of this letter in the space provided below, and returning it to me.

Very truly yours,

Christopher H. Collins

Confirmed:

Armando Lourenco
Administrator, BLRA and
Acting Zoning Administrator

Date: JUNE 15/1999

146629

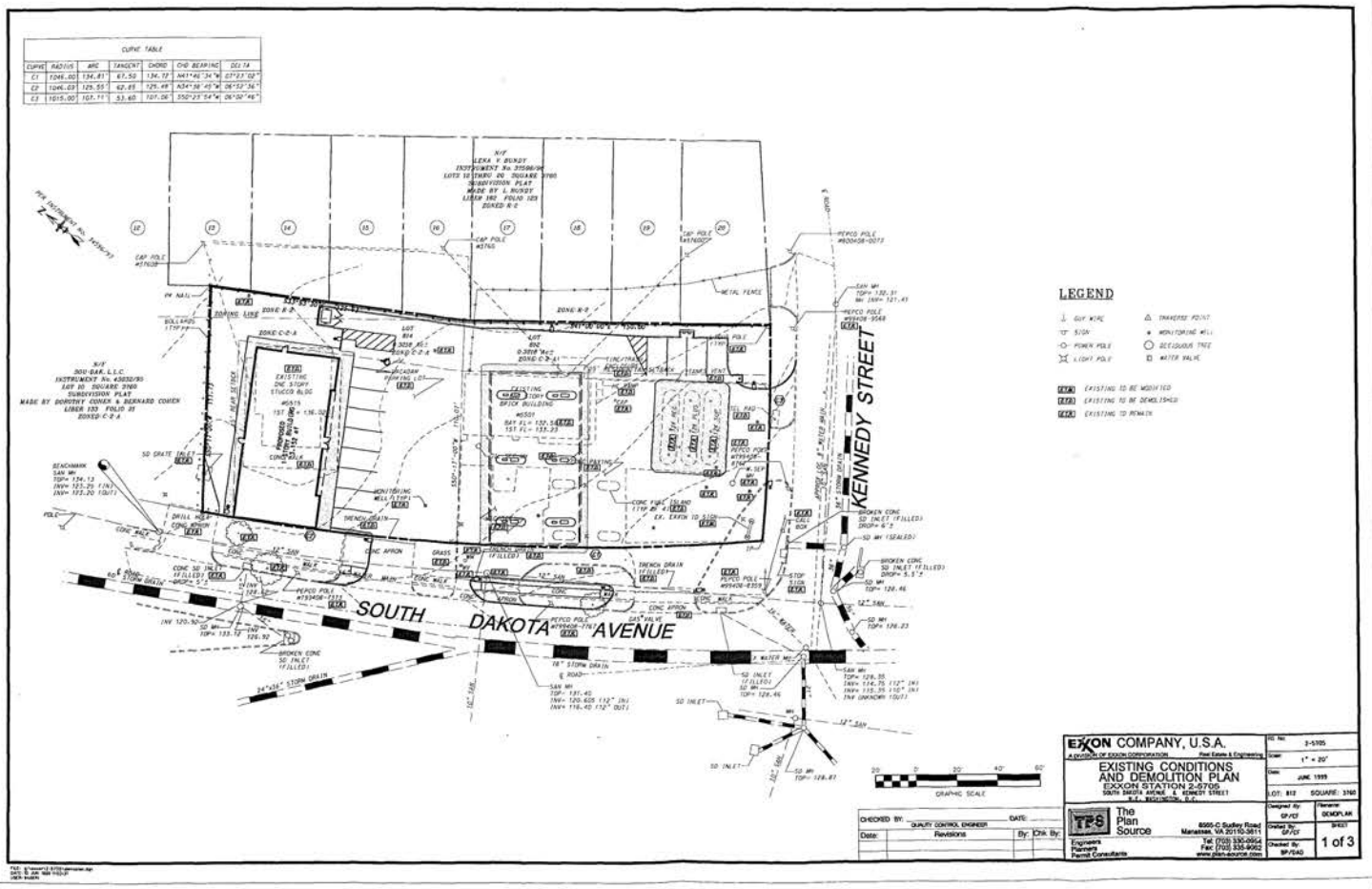
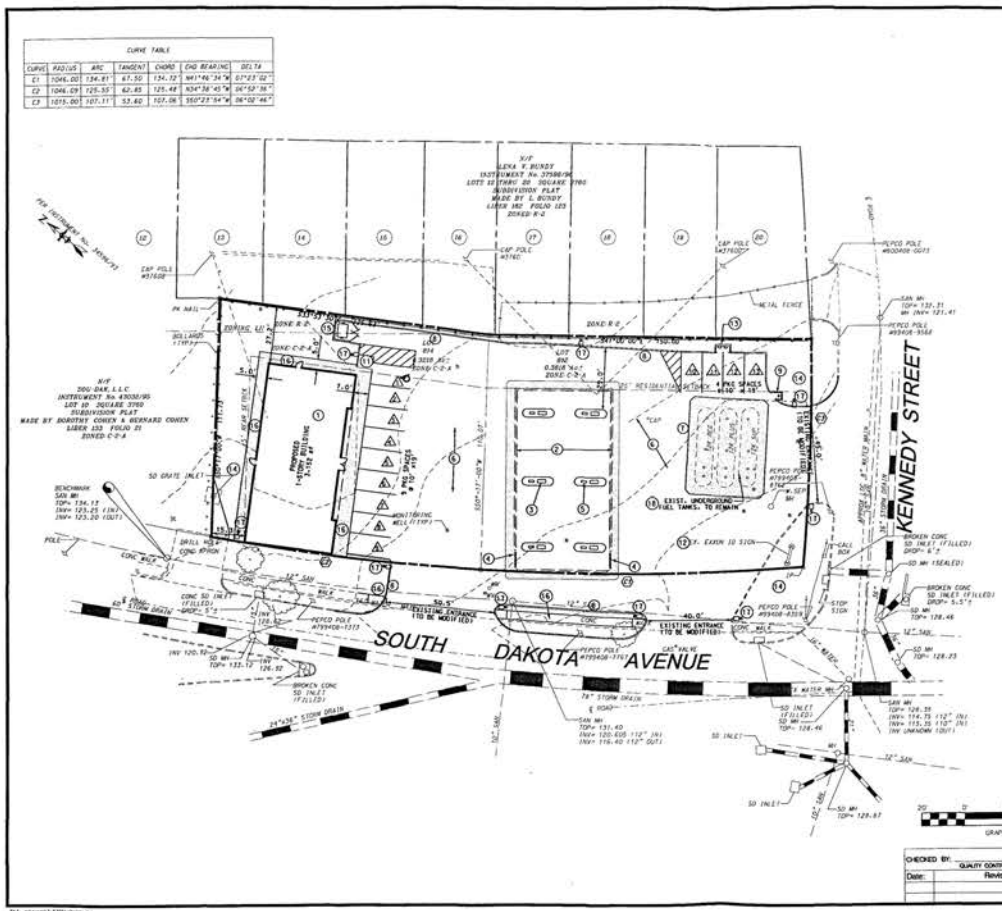

CURVE TABLE
CURVE | RADIUS | ARC | TANGENT | CHORD | CHD BEARING | DELTA
C1 | 1046.00' | 134.81' | 67.50' | 134.72' | N41°46'34"W | 07°23'02"
C2 | 1046.00' | 125.55' | 62.85' | 125.48' | N34°18'45"W | 06°52'36"
C3 | 1015.00' | 101.11' | 53.60' | 101.06' | S50°23'54"W | 05°30'46"
LEGEND
GUY WIRE
SIGN
POWER POLE
LIGHT POLE
TRAVERSE POINT
MONITORING WELL
DECIDUOUS TREE
WATER VALVE
EXISTING TO BE MODIFIED
EXISTING TO BE DEMOLISHED
EXISTING TO REMAIN
KENNEDY STREET
SOUTH DAKOTA AVENUE
GRAPHIC SCALE
EXXON COMPANY, U.S.A.
A DIVISION OF EXXON CORPORATION
Real Estate & Engineering
EXISTING CONDITIONS AND DEMOLITION PLAN
EXXON STATION 2-5705
5605 GEORGIA AVENUE, N. KENNEDY STREET
N.W., WASHINGTON, D.C.
RE No: 3-5705
Scale: 1" = 20'
Date: JUNE 1999
LOT: 812 SQUARE: 3760
Designed By: GP/CT
Filename: DEMOPLAN
Drawn By: GP/CT
Checked By: BP/DAG
SHEET 1 of 3
CHECKED BY: QUALITY CONTROL ENGINEER DATE:
Date: Revisions By: Chk. By:
The Plan Source
Engineers Planners Permit Consultants
8505-C Sudley Road Manassas, VA 20110-3811
Tel: (703) 330-0954 Fax: (703) 335-9062 www.plan-source.com

EXHIBIT E



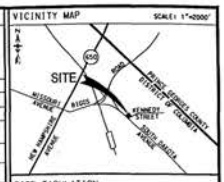
CURVE TABLE						
CURVE	RADIUS	ARC	TANGENT	CHORD	CHD BEARING	DELTA
C1	7046.00'	134.81'	67.50'	134.72'	N81°46'34"W	01°05'52"
C2	7046.09'	125.55'	62.85'	125.48'	N34°38'45"W	06°52'16"
C3	1015.00'	107.11'	53.60'	107.06'	S50°23'54"W	06°02'46"

LEGEND

ITEM NUMBER	
15	ITEM NUMBER LISTED BELOW
	PARKING SPACE
	BUILDING
1	CONVENIENCE RETAIL STORE. 3,252 SF
	CANOPY / ISLANDS
2	45'x83' CANOPY HT=20'
3	DISPENSING EQUIPMENT 16) WFD-3 ADVANTAGE SERIES W/CRIND
4	12) CANOPY FASCIA SIGNS "EXXON"
5	CANOPY, COLUMN AND DOWNSPOUT DRAINS
	YARD AREA
6	ASPHALT PAVEMENT
7	CONCRETE PAD
8	CONCRETE CURB
9	AIR/WATER UNIT W/YARD LIGHT
10	ADA PARKING ONLY SIGNS PER CODE
11	ADA ACCESS RAMP
12	ID/PRICE SIGN
13	PUBLIC PHONES
14	LANDSCAPING
15	TRASH ENCLOSURE
16	SIDEWALK
17	YARD LIGHTS
18	FIBERGLASS TANKS FOR MOTOR FUEL

VICINITY MAP

SCALE: 1"=2000'



SITE TABULATION

	ZONE C-2-A	
	REQUIRED	PROVIDED
MINIMUM LOT AREA	NONE	30,636 SF.
MINIMUM LOT WIDTH	NONE	107 FT.
MAXIMUM BLDG HT.	50 FT.	20 FT.
MINIMUM YARD REQ. FRONT	NONE	N/A
SIDE	NONE/6'	NONE
REAR	15 FT.	15.3 FT.
MAX F.A.R.	1.5	0.234
PARKING	1	13

NOTES:

1. THE PROPERTY IS CURRENTLY ZONED C- 2- A COMMUNITY BUSINESS DISTRICT
2. SCOPE OF WORK:
   DEMOLISH EXISTING BUILDINGS, CANOPY AND PUMP ISLANDS
   CONSTRUCT 3,252 SF. CONVENIENCE STORE
   CONSTRUCT NEW CANOPY W/ SIX PUMP ISLANDS
   MODIFY/REPLACE EXISTING FREE-STANDING SIGN
3. PARKING REQ'MTS:
   FUEL SALES W/ CONVENIENCE RETAIL STORE: 1 SPACE PER 300 SF GROSS F.A. IN EXCESS OF 3,000 SF GFA
   REQUIRED: 1 SPACE
   PROVIDED: 13 SPACES
4. EXISTING TANK INFORMATION:
   THERE ARE 3 EXISTING UNDERGROUND TANKS, 12,000 GALLON CAPACITY EACH. ALL UNDERGROUND TANKS ARE SINGLE WALL FRP.
5. F.A.R. CALCULATION:
   BUILDING: 7,167
   SITE: 30,636
   7,167/30,636 .234

CHECKED BY: _____ QUALITY CONTROL ENGINEER DATE: _____

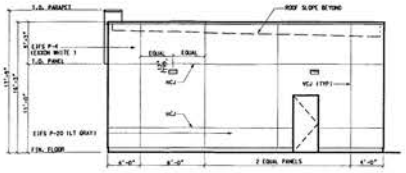
Date:	Revisions	By: Chk By:

EXXON COMPANY, U.S.A.
A DIVISION OF EXXON CORPORATION — Real Estate & Engineering

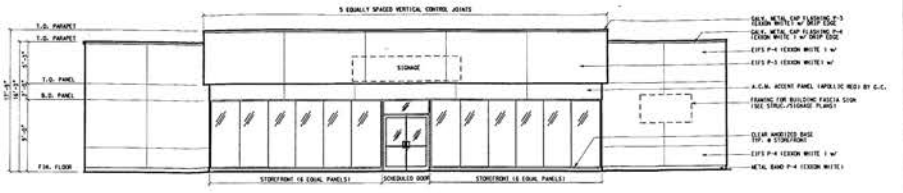
SITE PLAN
EXXON STATION 2-5705
SOUTH DAKOTA AVENUE & KENNEDY STREET N.E. WASHINGTON, D.C.

The Plan Source
Engineers / Planners / Permit Consultants
8005-C Sudley Road, Manassas, VA 20110-3811
Tel: (703) 330-0954 Fax: (703) 335-9002
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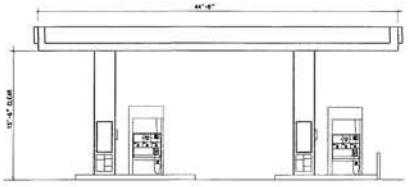
PC No.	2-5705
Scale	1" = 20'
Date	JUNE 1999
LOT: 812	SQUARE: 3760
Designed By:	GP/CF
Drafted By:	GP/CF
Checked By:	BP/DAD
Filename:	SITEPLAN
SHEET	2 of 3



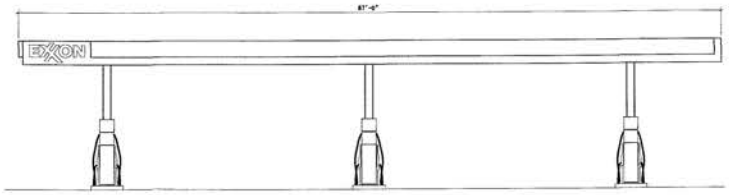
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

20' 0 20' 40' 60'
GRAPHIC SCALE

CHECKED BY: QUALITY CONTROL ENGINEER DATE:

Date:	Revisions	By:	Chk. By:

EXXON COMPANY, U.S.A.
A DIVISION OF EXXON CORPORATION — Real Estate & Engineering

PROPOSED ELEVATIONS

EXXON STATION 2-5705
SOUTH DAKOTA AVENUE & KENNEDY STREET
N.E. WASHINGTON, D.C.

TPS The Plan Source
Engineers
Planners
Permit Consultants

8065-C Rudley Road
Manassas, VA 20110-3811
Tel: (703) 330-0954
Fax: (703) 335-9062
www.plan-source.com

RE No:	2-5705
Scale:	1/4"=1'-0"
Date:	JUNE 1999
LOT: 812	SQUARE: 3760
Designed By: GP	Filename: ELEVATIONS
Drafted By: GP	SHEET
Checked By: JP	3 of 3

Mr. Clouser:

I move that the following Order be entered:

ORDERED:

That the appeals of Morris Cafritz and Bernard Cohen to erect a gasoline service station at the northeast corner of South Dakota Avenue and Kennedy Street, N.E., parcels 137/57 and 137/85, near square 3756, be granted for the following reasons and subject to the conditions hereinafter set forth:

(1) As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds that the establishment of this gasoline service station will not create dangerous or other objectionable traffic conditions.

(2) The Department of Highways and Traffic offers no objection to the granting of this appeal.

(3) There was considerable opposition to the granting of this appeal registered at the public hearing.

This Order shall be subject to the following conditions:

(a) No portion of the structure or premises to be so used shall be located with 25 feet of a residente district unless separated therefrom by a street or alley.

(b) There shall be no vehicular entrance or exit connected with a street at a point closer than 25 feet to any Residence District existing at the time such use is established, unless separated therefrom by a street or alley.

(c) No driveway of any entrance or exit to such use shall be closer than 25 feet to a street intersection as measured from the intersection of the curb lines extended.

(d) All grease pits or hoists hereafter constructed or established as part of such use shall be within a building.

Mr. Davis: I second the motion. Motion carried with Mr. McIntosh and Mr. Scrivener not voting.

EXHIBIT F

OUTLINE OF TESTIMONY OF TERRI LEVINE,
EXXON COMPANY, U.S.A.

I. Introduction

II. Brief Overview of Use History of the Site

III. Exxon's Current Plans for Development of the Site

IV. Conclusion

EXHIBIT G

OUTLINE OF TESTIMONY OF BHOOPENDRA PRAKASH,
THE PLAN SOURCE

I. Introduction

II. Description of Plans
- **A. Service Station**
- **B. Convenience Store**

III. Conclusion

EXHIBIT H

Traffic Analysis
Proposed Improvement to Exxon Station
South Dakota Avenue & Kennedy Street, N.E.

September 1999

Introduction

An existing Exxon service station, in the north quadrant of the intersection of South Dakota Avenue and Kennedy Street, in Northeast Washington (5501 South Dakota Avenue) is proposed for improvement. The existing service station, zoned C-2-A, consists of Lot 812 in Square 3760. Adjacent to the site is a former animal clinic (5515 South Dakota Avenue) (Lot 814) which had one driveway on South Dakota Avenue serving its parking area. The site location is shown on Figure 1.

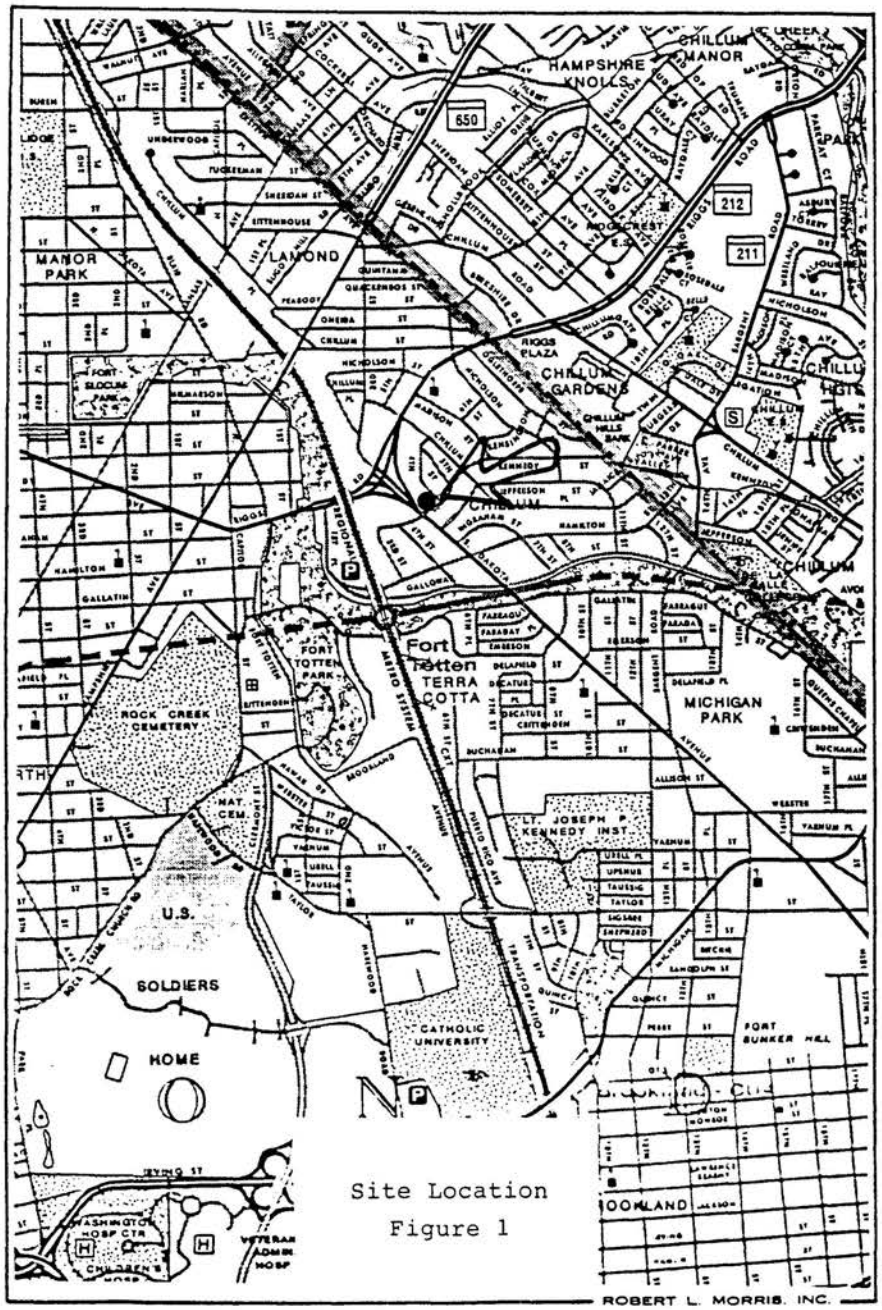
There are currently two driveways off of South Dakota Avenue and one driveway off of Kennedy Street serving the Exxon station.

It is now proposed that Exxon expand its operation, using the vacant former animal clinic adjacent to the subject property to permit improved services, including a small convenience store.

To determine how this improvement would affect traffic operating conditions in the area, a traffic analysis has been made. This report summarizes the findings and the conclusions of that analysis.

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EXHIBIT I



Site Location
Figure 1

Existing Conditions

South Dakota Avenue is a minor arterial street, 45 feet wide, providing two-way traffic flow and carrying an average daily traffic volume of approximately 21,100 vehicles past the subject site.

Kennedy Street is a local street, 34 feet wide, providing two-way traffic flow and carrying an average daily traffic volume of approximately 700 vehicles past the subject site.

The intersection is controlled by stop signs for Kennedy Street traffic. It operates at an A level of service at all times in normal circumstances.

The R3 Metrobus passes the subject site on the way to and from the Fort Totten Metrorail station.

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Effect of Improvement

On an average day, approximately [illegible] cars enter the Exxon station, or about [illegible] one every two minutes). Experience has shown that although convenience stores in the [illegible] primary destinations, they do tend to increase the number of customers who come to the service station. Typically, this increase would amount to [illegible] or 5 more cars during each peak hour.

Experience has also shown that the great majority of trips to a gasoline station are 'pass-by' trips, i.e., they are attracted to the site from traffic already on the road, just passing by en route to another destination. Discounting the 'pass-by' factor, however, even if the increased patronage at Exxon were to come from newly-generated traffic, the increase would be imperceptible. There would be no change from the existing 'E' levels of service.

It is concluded, therefore, that the proposed improvement to the Exxon service station at 3113 South Dakota Avenue would be appropriate from a traffic engineering viewpoint.

[illegible]

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