COMMENTS REGARDING ZONING APPLICATION NUMBERS 16593 AND 16594

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

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Letter of Opposition

Accompanying Photographs

Petition from Neighborhood Residents

Letter of Proposed Improvements
(In the event the application(s) are approved)

BZA
Case No. 16593
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.16593
EXHIBIT NO.31

August 7, 2000

Jerrily R. Kress, Director
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Dear Ms. Kress,

Please accept this letter in opposition to BZA application numbers 16593 and 16594 from St Luke's Episcopal Church to establish and operate accessory parking lots in an R5-B district. The following issues will be addressed in this letter:

- Background
- Maintenance of the Lots and Surrounding Property
- Failure by the Applicant to Comply with Previous Zoning Orders
- Accessory vs. Commercial Parking
- Previous ANC and BZA Comments Regarding this Property

BACKGROUND

In 1958 St. Luke's Church acquired the subject property to "expand their physical plant." In 1962, the first zoning exception was granted, allowing the lots to be used to park vehicles for church activities. As early as 1977, it was determined that all day commuter parking was occurring on both lots. Then in 1997, BZA order #16232 eliminated the commercial parking operation that had been occurring for years without proper zoning. That order also closed the Church Street lot permanently when the Board found "that to allow the proposed use (accessory parking on the Church Street lot) would not be in harmony with the general purpose and intent of the Zoning Regulations and Map and would adversely affect the use of neighboring property" (p. 9, order #16232). It was also determined in 1997 that St. Luke's Church did not do an adequate job maintaining their parking lots or their surrounding property.

MAINTENANCE OF THE LOTS AND SURROUNDING PROPERTY

Photographs submitted in 1997 indicated a serious lack of proper maintenance on these parking lots and on the applicants surrounding property. They promised in 1997 they would do a better job in this effort. However, as you can clearly see by the accompanying photographs, there has been little improvement at this task. Although a few trees were planted, trash still collects on and around these vacant lots and weeds are not controlled on a regular schedule.

Note the comparison of photographs taken before the last zoning order and those taken since that order took effect. Also note the comparison between how well the front of the church is maintained (where parishioners enter) and how poorly the rest of property is maintained. The attendant's shelter on the P. Street lot has had graffiti painted on it for some time. Also, the pay telephone continues to be a nuisance. Neighborhood residents have to look at this eyesore seven days a week. The applicant was given the benefit of the doubt in 1997 and the opportunity to improve. They have failed in their promise to do better.

FAILURE TO COMPLY WITH PREVIOUS ZONING ORDERS

The history this applicant has with non-compliance of zoning orders begins as far back as 1962. It was determined that a section of public space had been paved and was being used to park vehicles on the P. Street lot. They were ordered at the time to take necessary steps to prevent vehicles from parking on public space. In 1981 it was found that the necessary steps had not been taken and, as a result application #'s 13591 and 13592 were denied. Only after this denial was the asphalt on public space along 15th Street (East side of the lot) removed and the application then approved on appeal. Please see the accompanying photographs that show to this day vehicles STILL continue to park on another paved section of public space on the South side of this lot.

All day commuter parking was banned in 1979 with application #'s 13016 and 13017. However, in 1997 it was determined that all day commuter/commercial parking was STILL occurring on both the P. Street lot and the Church Street lot.

In 1997, zoning order #16232 closed the Church Street lot permanently. The applicant was under order NOT to park vehicles on the vacant land AT ANY TIME. However as the accompanying photographs show, they continued to park vehicles after the order was effective. Only AFTER citations were issued by the office of Zoning Enforcement did they cease in this practice.

ACCESSORY VS. COMMERCIAL PARKING

In order for the applicant to park vehicles on their vacant land, a zoning exception is required. In this case the land is zoned for residential use (R5-B) and the non-conforming use requires the exception. In 1997 it was determined that the applicant had been operating a commercial, for pay commuter parking business on these lots for approximately 30 years. Each day 150 or more vehicles would be crammed into both lots in jigsaw puzzle fashion. Please see the accompanying photographs that show this condition as it existed. There was even an advertisement for the lots in the Washington, D.C. Yellow Pages under "parking stations and garages." The idea has surfaced recently that they would like to offer one or both of these lots to patrons of neighborhood organizations such as the JCC, the Carnegie Institute and the Studio Theater, perhaps even with a valet parking option. We strongly believe that to allow this would ultimately lead to the re-introduction of a commercial, for pay parking business.

Furthermore, when accessory parking lots are granted, section 214.3 states "that accessory parking spaces shall be located in their entirety within two hundred feet (200ft.) of the area to which they
are accessory." Section 214.4 states "that accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory."

Clearly these organizations fall outside the above definition and would not be allowed to use these lots for their patrons. Even if the regulations weren't in place, we would strongly oppose their use of the lots. The increased traffic, noise, trash and potential for crime would be a further burden on the neighborhood and would create even more objectionable conditions.

PREVIOUS ANC AND BZA COMMENTS AND CLOSING REMARKS

Throughout the history of this property there has been both opposition to, and support for these parking lots. Records from previous zoning hearings show the problems that are occurring today have occurred previously. The DCCA and the ANC have commented that the lots have not been maintained properly. As recently as 1997, Dupont Circle ANC 2B agreed with neighborhood residents regarding their concerns about these lots. As stated previously, in 1997 the BZA (in order #16232) closed the Church Street lot permanently when it found "that to allow the proposed use (accessory parking) would not be in harmony with the general purpose and intent of the Zoning Regulations and Map and would adversely affect the use of neighboring property."

This neighborhood had been in a state of decline for many years. The conditions of these lots did not help that situation in any way. Remember, these lots were purchased by St. Luke's to "improve their physical plant." They had plans to build an addition to their parish hall, and to build housing for their senior membership (both of which we would support today). These goals were never realized and instead the neighborhood has had to look at these permanent parking lots seven days a week, 365 days per year for over 40 years. If the goals of an addition or housing are ever to be realized by the Church, there should be no relationship to the granting of accessory parking exceptions. In other words, one has nothing to do with the other.

As you can see from the accompanying photographs the neighborhood is finally beginning to rebound. There had been dangerous sidewalks, dead and dying trees, and other vacant lots. New sidewalks have been installed, fourteen new Red Maple trees planted in tree boxes on Church Street and vacant lots restored to residential use. Most recently, the alley along side the applicants building was re-surfaced from one end to the other.

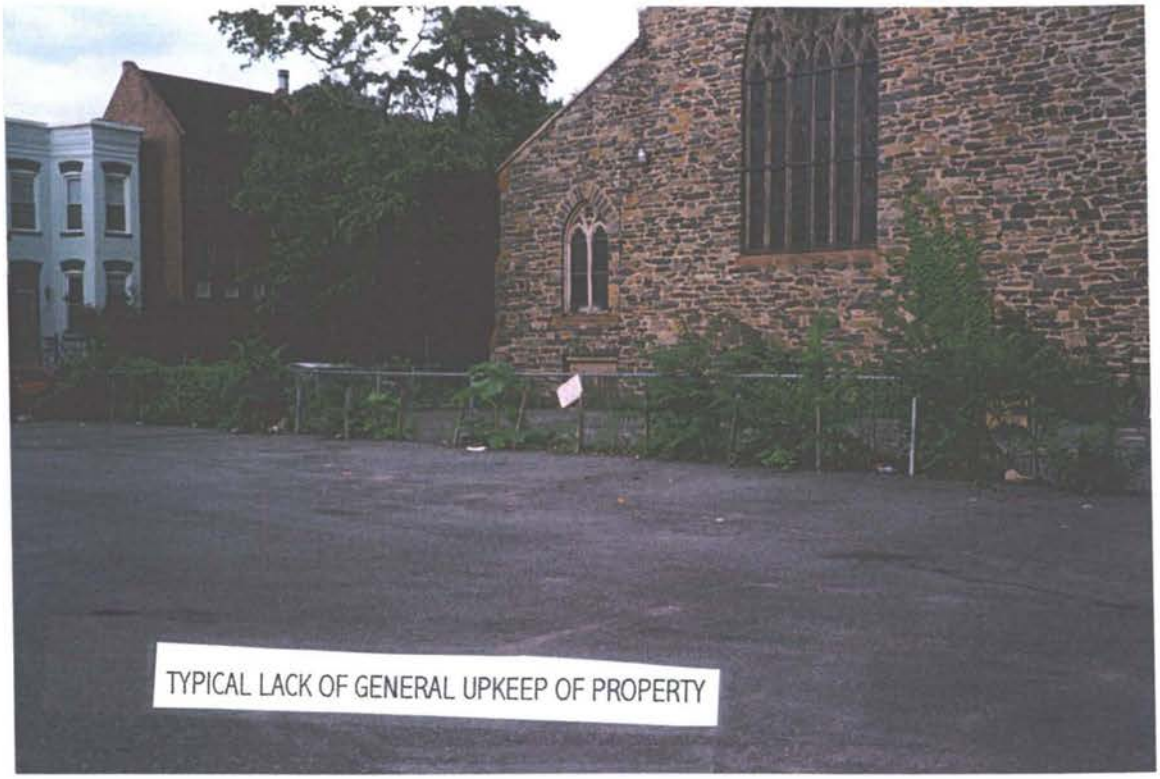
To approve these applications to turn this vacant land into parking lots would be a step in the wrong direction. Again, for the reasons set forth in this letter, we encourage you to VOTE AGAINST application #'s 16593 (Church Street) and 16594 (P. Street).

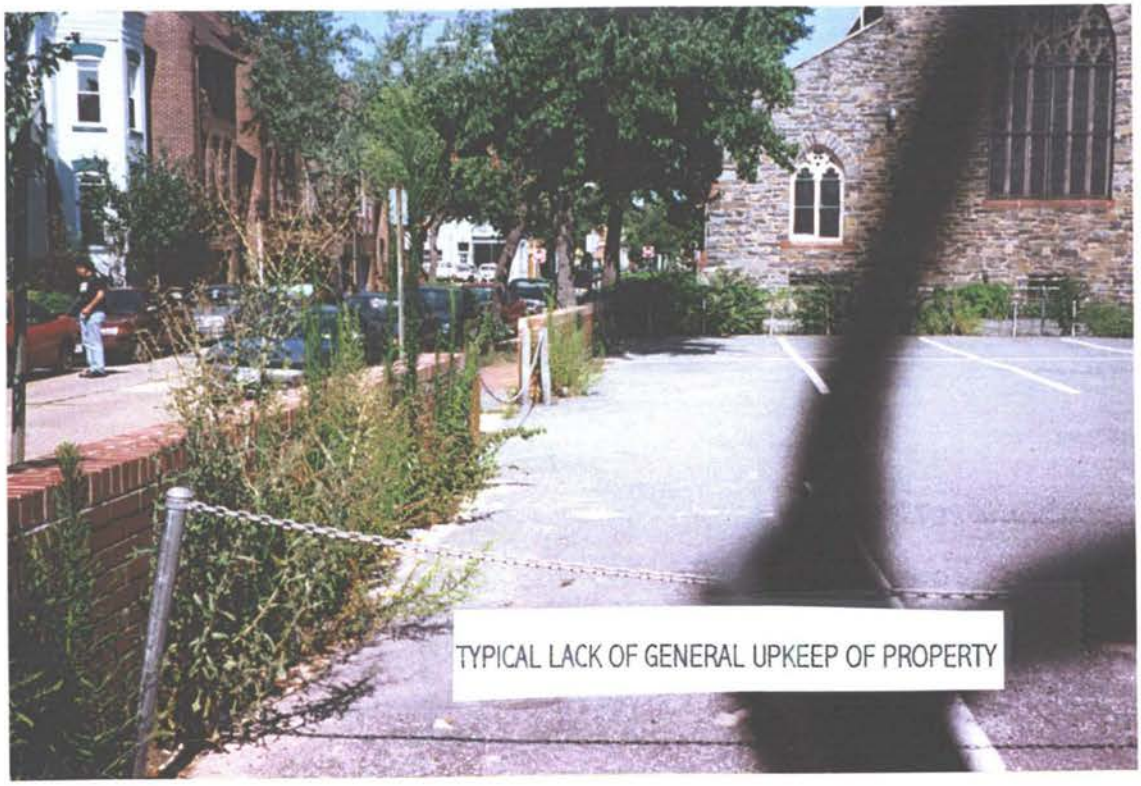
Sincerely,

Jeffrey B. Hopp & John P. Capotosto
1507 Church Street, NW
Washington, DC 20005
(202) 332-8508

Sources of Information Contained in This Letter:
Previous Zoning Orders
Case History of BZA Orders Provided by Madeline H. Dobbins, then BZA Director
The Office of Zoning Enforcement
Letter from ANC 2B, dated 6/24/97

These photographs were submitted during the last application process in 1997.





These photographs were taken after zoning order #16232. The applicant is currently under obligation to maintain their property in a more acceptable manner. However, these two photographs and the next six were taken recently and show that the applicant has failed in their promise to do a better job. There is never regular maintenance of this property.













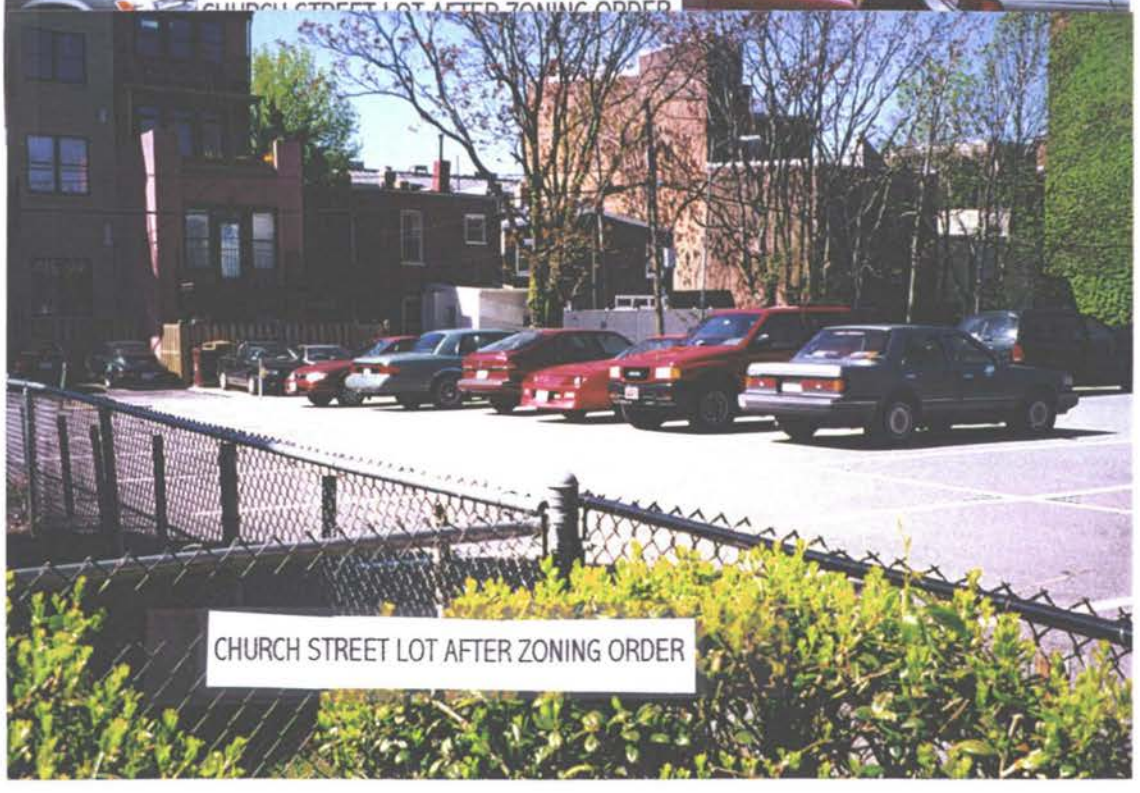


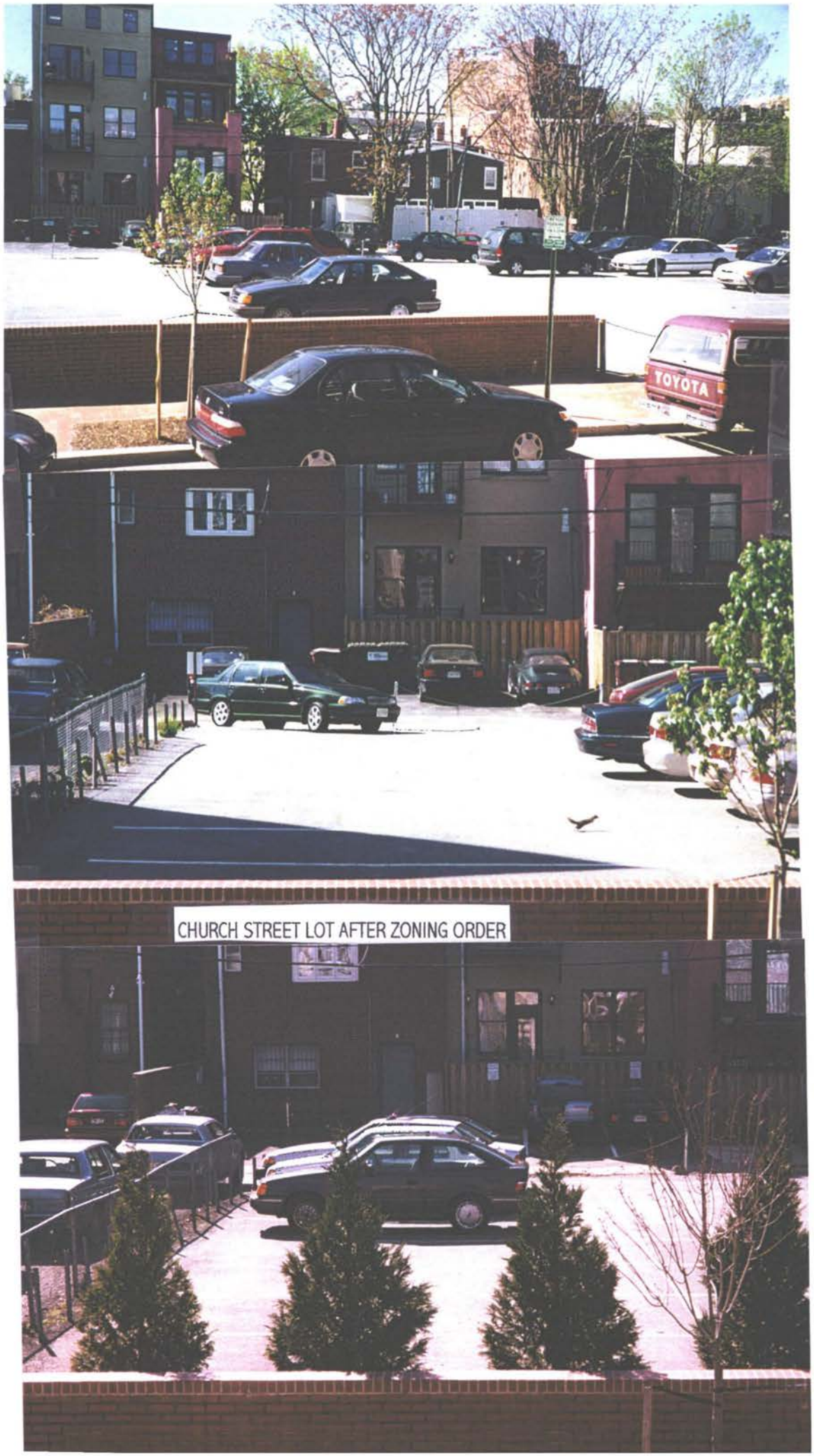


Vehicles continued to park on the Church Street lot after zoning order #16232 closed the lot. The photographs on the next two pages were taken after the order went into effect. These are six of many photographs taken. Note vehicles continued to park here after the Leyland Cypresses were planted.






CHURCH STREET LOT AFTER ZONING ORDER


TOYOTA
CHURCH STREET LOT AFTER ZONING ORDER

Shown here is the contrast between how the front entrance of the church is maintained and how the North side of the property is maintained. The South side is maintained in a manner similar to the North side, and is shown in other photographs in this letter. Residents of the neighborhood come into contact with these areas on a daily basis, and it is these areas of the applicant's property that are maintained poorly. Neighbors are forced to view this eyesore while walking to and from our homes and while looking out our windows.



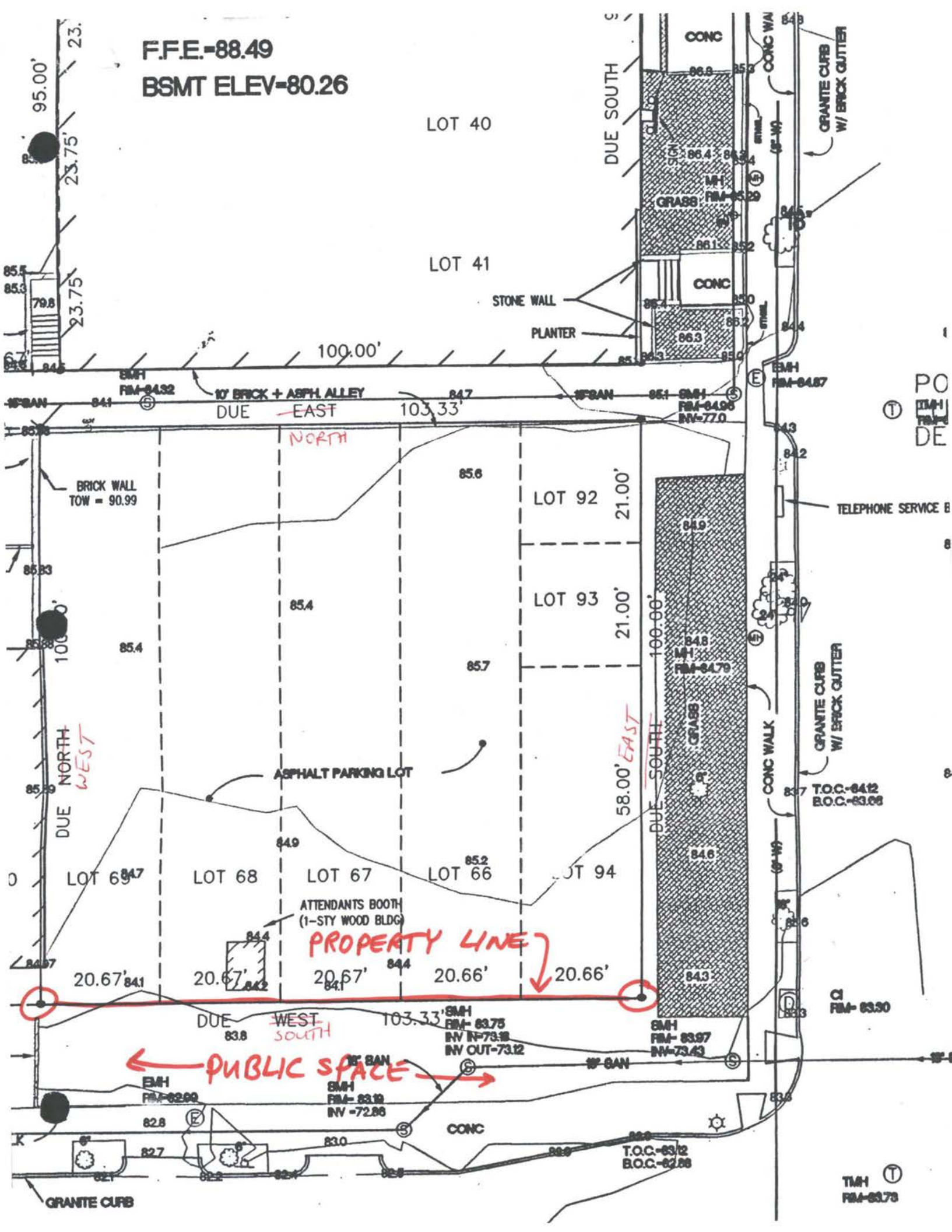


Photographs of the attendant's shelter and pay telephone on the P. Street lot. Also note the large area of public space that remains paved to this date. Vehicles continue to park in this area and often drive over the curb to gain entrance and exit.





The following drawing shows where public space begins on the P. Street lot.


F.F.E.-88.49
BSMT ELEV-80.26
LOT 40
LOT 41
LOT 92
LOT 93
LOT 94
LOT 69
LOT 68
LOT 67
LOT 66
95.00'
23.75'
23.75'
100.00'
DUE EAST
103.33'
DUE NORTH
DUE WEST
DUE SOUTH
100.00'
21.00'
21.00'
58.00'
20.67'
20.67'
20.67'
20.66'
20.66'
103.33'
CONC
GRASS
CONC
STONE WALL
PLANTER
10' BRICK + ASPH. ALLEY
BRICK WALL
TOW = 90.99
ASPHALT PARKING LOT
ATTENDANTS BOOTH
(1-STY WOOD BLDG)
PROPERTY LINE
PUBLIC SPACE
GRANITE CURB
W/ BRICK GUTTER
CONC WALK
TELEPHONE SERVICE
GRANITE CURB
SMH
RIM-84.32
SMH
RIM-84.95
INV-77.0
SMH
RIM-84.87
MH
RIM-84.79
T.O.C.-84.12
B.O.C.-83.66
SMH
RIM- 83.75
INV IN-73.18
INV OUT-73.12
SMH
RIM- 83.97
INV-73.43
SMH
RIM-83.19
INV -72.86
T.O.C.-83.12
B.O.C.-82.86
CI
RIM- 83.50
TMH
RIM-83.78
GRANITE CURB

Former Commercial Parking
Lot that Operated on Both the
P. Street and Church Street Lots

We Do Not Want a Return to This or
Similar Situation



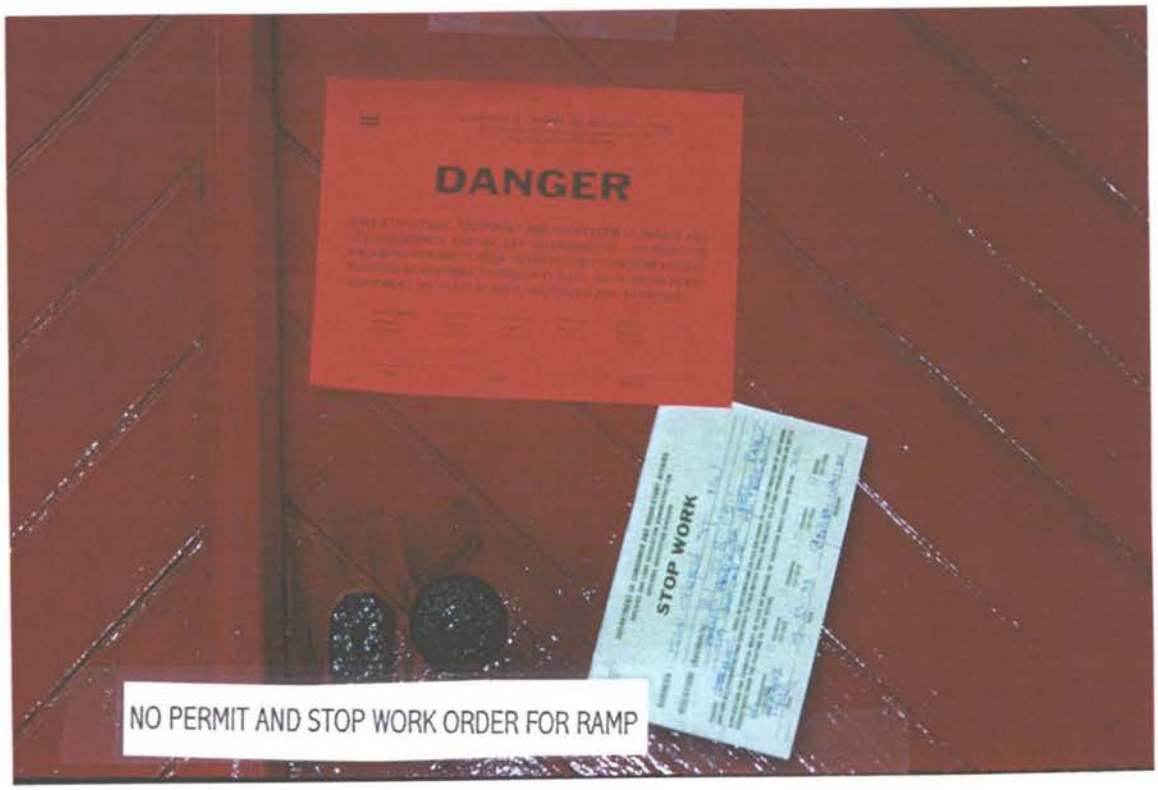
VIEW OF A PORTION OF P STREET LOT
(COMMERCIAL PARKING)

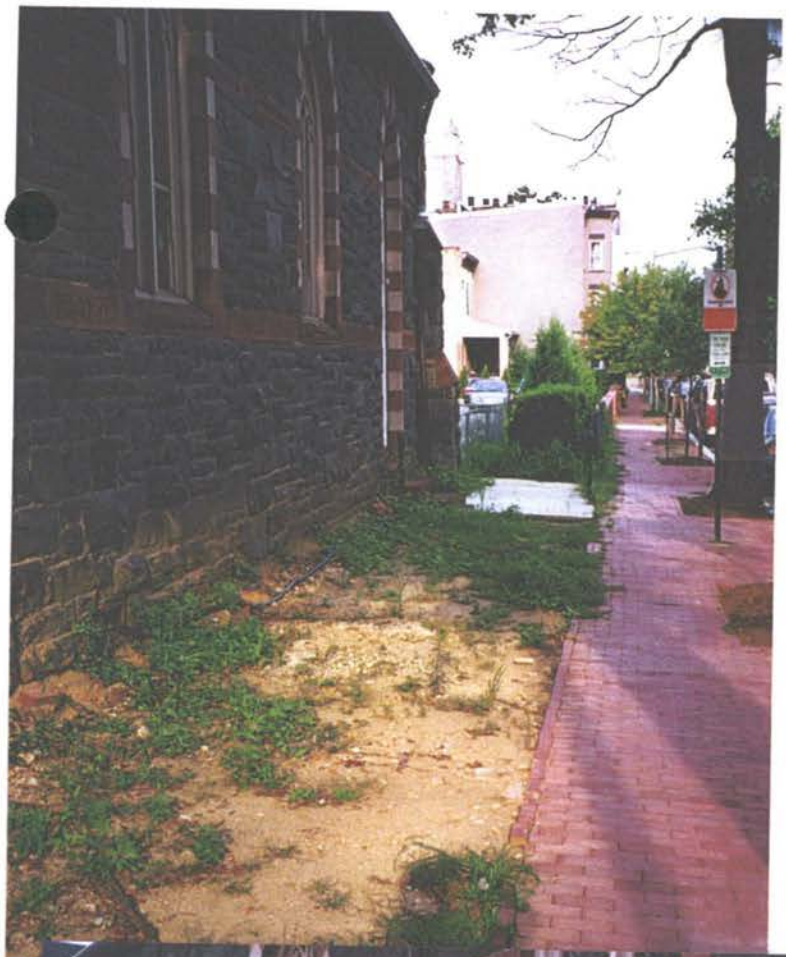


"AERIAL" VIEW OF CHURCH STREET LOT (COMMERCIAL PARKING)

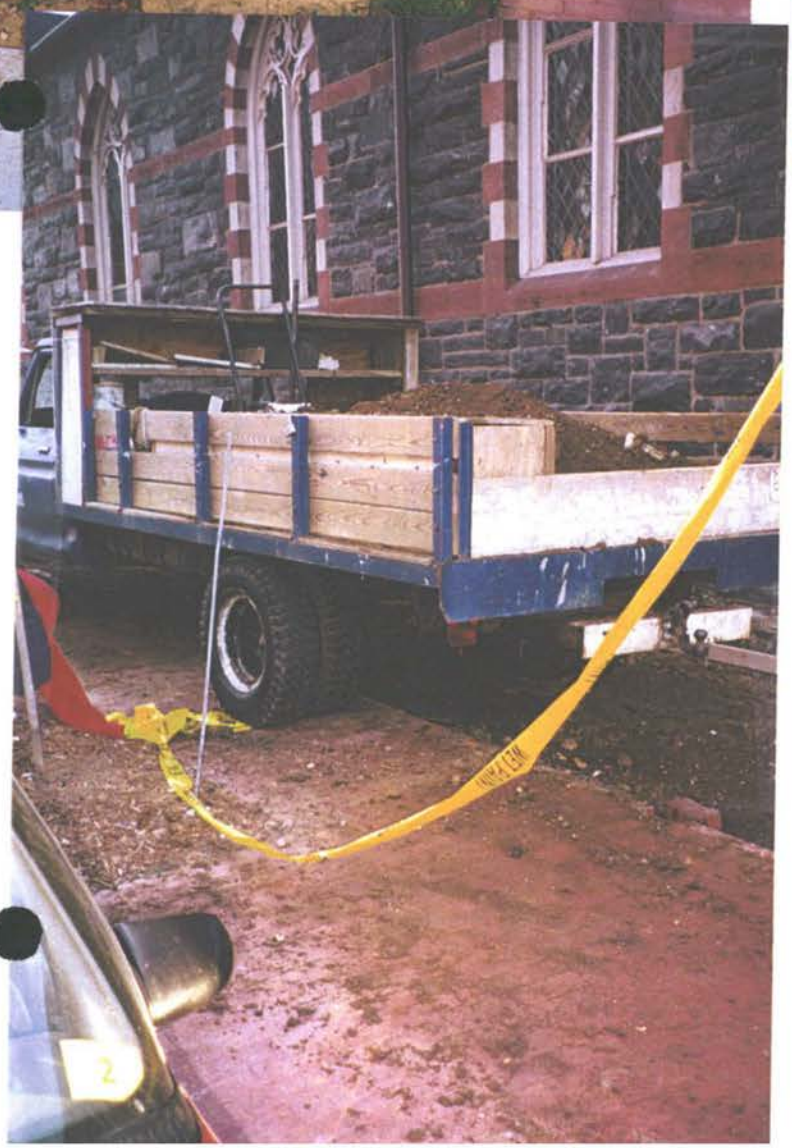
This page shows photographs of the North side of the church. Note the stop work order. The next page shows more photographs of the North side of the church. Note the spilled concrete and the bricks that were removed from the new sidewalks. The permit for the ramp specifically prohibited construction vehicles from driving on the sidewalk, however as you can see that did not stop the practice. The condition as reflected in these photographs is the CURRENT condition of this area of the applicant's property.









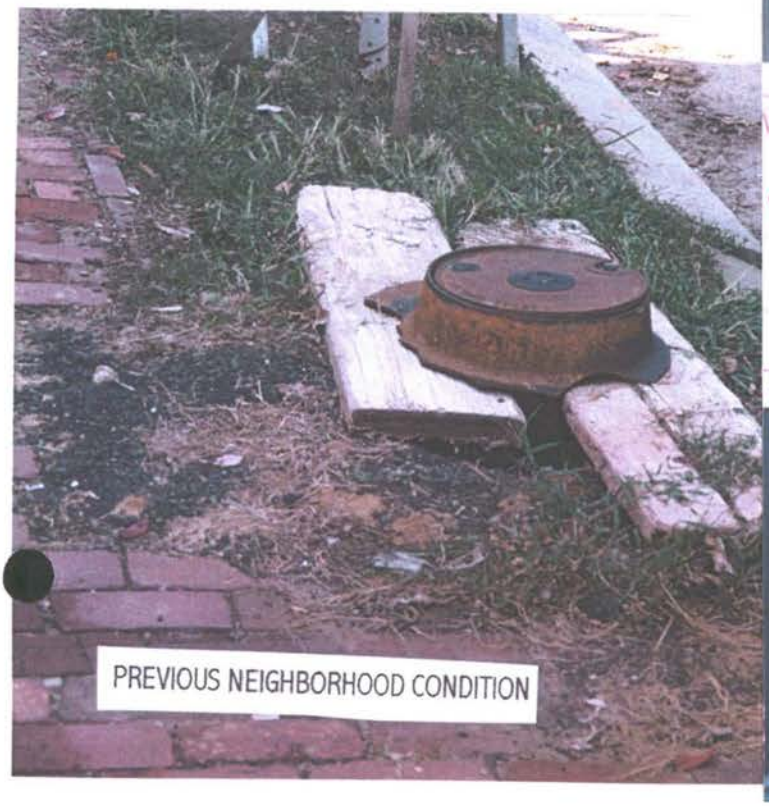




The next page of photographs indicates the previous condition of the neighborhood. We have worked very hard to improve the community in which we live. Note the photograph of the new sidewalks being installed. New trees were also planted.







PREVIOUS NEIGHBORHOOD CONDITION



NEW SIDEWALKS FOR THE NEIGHBORHOOD
14 NEW TREES PLANTED, TOO

The adjoining property of the National Association for the Education of Young Children (NAEYC). Note the improvements made by removing the driveway apron to Church Street, and installing brick sidewalks and new curbs.





The view from our front porch.





PETITION

REGARDING ZONING APPLICATIONS
16593 AND 16594

To: ANC 2B and the Board of Zoning Adjustment.

From: Homeowners and residents of the 1500 blocks of Church and P. Streets, NW.

Re: Application of St. Luke's Church to establish and operate accessory parking lots in a residentially zoned (R5-B) neighborhood.

Date: August 1, 2000

The above applicant has applied with the Board of Zoning Adjustment (BZA) to continue to operate the P. Street lot as an accessory parking lot. They have also applied to create a NEW accessory parking lot on their vacant land in the 1500 block of Church Street, NW.

We feel the existence of these parking lots creates objectionable conditions in the neighborhood. The purpose of this petition is to encourage you to **OPPOSE** these applications for the following reasons:

1. Since the last BZA hearing several years ago, the applicant has not maintained the parking lots or surrounding property on a consistent basis. Although they have had ample opportunity, the property continues to be overgrown with weeds and trash is not picked up on a regular basis. The applicant has not followed through on their promise to maintain the property on a regular basis.
2. The use of the P. Street lot was limited on October 1, 1997 in zoning order #16232. The BZA closed the Church Street lot permanently when it found "that to allow the proposed use would not be in harmony with the general purpose and intent of the Zoning Regulations and Map and would adversely affect the use of neighboring property." (p. 9, order #16232)
3. The applicant was ordered not to park cars on the Church Street lot but continued to do so, a direct violation of zoning order #16232.
4. We do not feel these lots should be used by commuters, or patrons of local organizations such as the JCC, Carnegie Institute, Studio Theater, etc. The increased traffic, noise and trash will adversely impact the neighborhood.
5. The attendants shelter and pay telephone on the P. Street lot continue to be an eyesore and a nuisance.
6. A large portion of public space on the P. Street lot has been paved. Vehicles continue to park in this area.

PETITION REGARDING
ZONING APPLICATIONS
16593 and 16594 cont.,

7. The applicant was first granted use of these parking lots by special exception in 1962. At that time the neighborhood was in a state of decline and there was probably no other use for the land. However, today the neighborhood is rebounding and we feel there is a higher and better use for these vacant lots.
8. Open-air parking lots continue to be a source of concern for residents because of the possibility of crimes occurring on the lots (such as vehicles being broken into, robberies and prostitution).

Again, for the reasons listed above we encourage the ANC and the BZA to vote AGAINST these zoning applications.

Sincerely,

NAME	ADDRESS	TELEPHONE #
[illegible]	1507 CHURCH ST, NW	(202)332-8508
[illegible]	1515 Church St. NW	(202)387-5144
DIRK SCHALLE	1521 CHURCH ST, NW	(202) 265 2108
Craig Hamm	1515 Church St. NW	202-387-5144
[illegible]	1501 Church St NW	202.797.9620
[illegible]	1507 P ST. NW	202-232-5247
~~[illegible]~~	~~1503 CHURCH ST N.W~~	~~202 328-8244~~
Alex D. Agate	1530 Church ST. NW	202 518. 5915
Ron Thaxton	1527 Church St. NW	202 387-3306
[illegible]	1507 Church St, NW	(202)257-3573

August 7, 2000

Ms. Jerrily R. Kress, Director
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-s
Washington, DC 20001

Dear Ms. Kress,

In the event one or both of the applications by St. Luke's Episcopal Church to establish and operate accessory parking lots in an R5-B district are approved, it is our hope that in addition to the current rules in effect, the following improvements could also be incorporated to the final zoning order:

APPLICATION #16594, THE P. STREET LOT

1. The area of asphalt on public space on the South side of this lot should be removed, and replaced with grass. Vehicles continue to park illegally in this area.
2. The attendant's shelter is an eyesore and should be removed and replaced with additional Leyland Cypress trees (already represented on the property).
3. The pay telephone is a nuisance and should be removed.
4. No lighting exists on the lot, and should be installed.
5. No screening is provided on the 15th Street side of the lot, and should be installed.
6. The exception should be granted for a time period of no more than one year.

APPLICATION #16593, THE CHURCH STREET LOT

1. The newly planted Cypress trees should be continued the length of the North side of the property, in the area where an old driveway to Church Street is currently located. Currently there is an area of approximately twenty feet where NO screening is provided. All access to the lot would be from the newly paved alley, on the south side of the lot. The existence of the driveway exit to Church Street creates a traffic hazard because the street is very narrow and there is little room for vehicles to maneuver. Furthermore, the office of Parking Services has closed the driveway and changed the "no parking" signs to reflect that fact. This resulted in a gain of two on street parking spaces. The old driveway apron should be removed, and replaced with brick sidewalk and the curb should be restored to its original state. The adjacent property owner (NAEYC) has already accomplished this improvement.

2. A chain link fence within the lot should be removed. The existence of this fence causes weeds to grow along its length and also causes vehicles to park in a tandem fashion. One-third of the vehicles parked in this lot have no ability to exit while another vehicle is parked behind them. (see enclosed diagram)
3. In order to improve the aesthetics of this vacant lot, at least four tree boxes should be opened within the lot. This can be accomplished without the loss of a single parking space, but would require the cooperation of the NAEYC, an adjacent property owner. Red Maples or similar should be planted.
4. **No parking should occur on this lot by neighborhood residents. This lot would be for the exclusive use of the Church for Sunday services, funerals and weddings. The lot should remain closed and locked at all other times**.
5. There is no lighting installed on this lot either. Lighting should be installed.
6. The exception should be granted for a time period of no more than <u>one year</u>.

Sincerely,

Jeffrey B. Hopp & John P. Capotosto
1507 Church Street, NW
Washington, DC 20005

Cc: Dupont Circle ANC 2B

The chain link fence referred to in the "just in case" letter is shown here. Note the weeds that grow through the fence are not controlled on a regular basis. Also note the placement of the fence does not allow one-third of the spaces in this lot direct access to the entrance/exit.

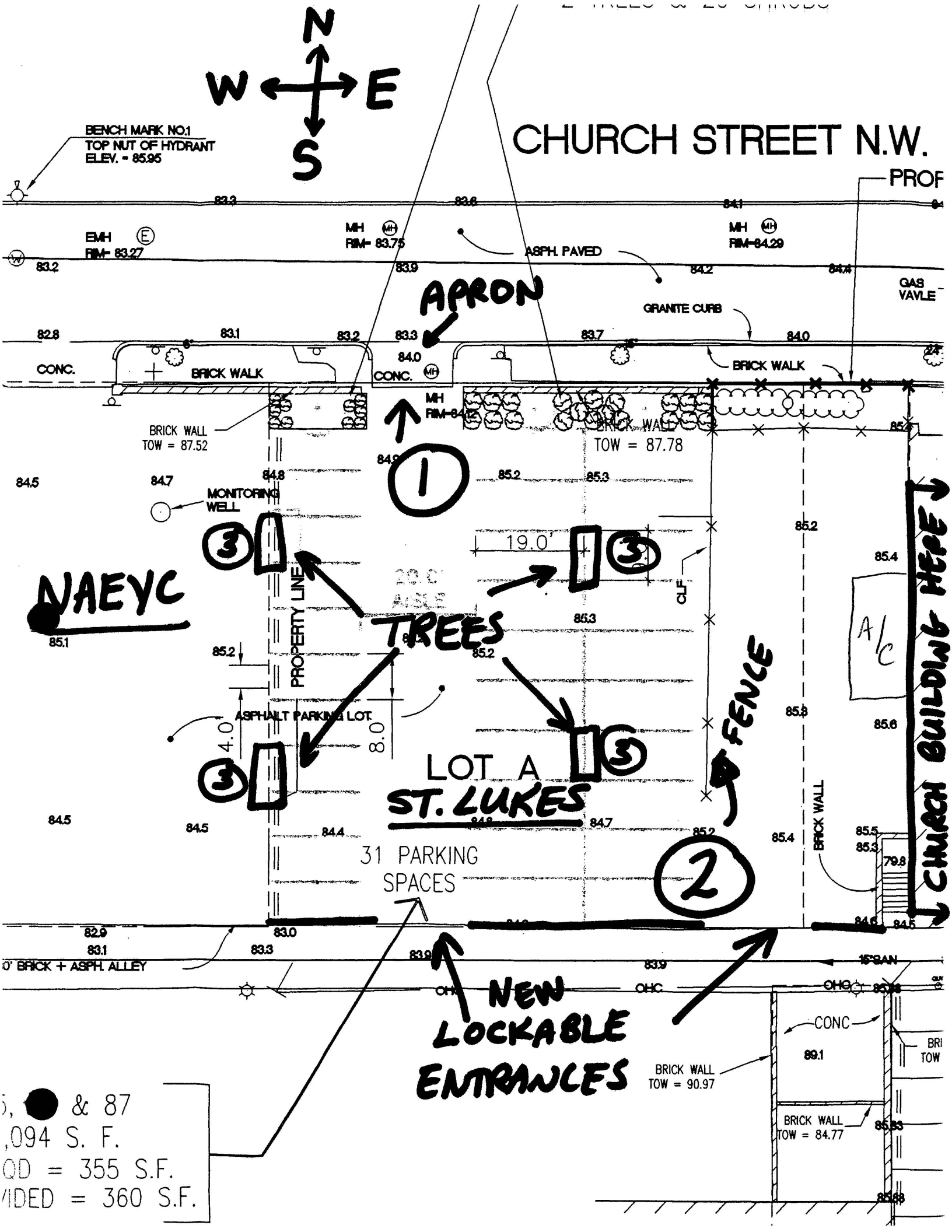




The following diagram reflects the conditions on the Church Street lot.

These improvements are submitted in the event the Church Street application is approved.

1. Continue Cypress trees to provide consistent screening of the parking lot from residential view. Remove the old driveway and replace brick sidewalks and curbs. If possible, a tree box should be left open in the sidewalk allowing the Department of Public Works the opportunity to plant another new tree in the neighborhood.
2. The old chain link fence should be removed, and repairs made to the asphalt. This will allow all vehicles parked in the lot access to the alley entrance/exit.
3. Open at least four tree boxes within the lot where indicated on the diagram.


N
W
E
S
BENCH MARK NO.1
TOP NUT OF HYDRANT
ELEV. = 85.95
CHURCH STREET N.W.
PROP
EMH
RIM= 83.27
MH
RIM= 83.75
ASPH. PAVED
MH
RIM=84.29
GAS
VAVLE
APRON
GRANITE CURB
CONC.
BRICK WALK
CONC.
BRICK WALK
MH
RIM=84.
BRICK WALL
TOW = 87.52
BRICK WALL
TOW = 87.78
MONITORING
WELL
1
NAEYC
19.0'
CLF
PROPERTY LINE
TREES
A/C
CHURCH BUILDING HERE
ASPHALT PARKING LOT
4.0'
8.0'
LOT A
ST. LUKES
FENCE
31 PARKING
SPACES
2
BRICK WALL
79.8
0' BRICK + ASPH. ALLEY
OHC
15"SAN
NEW
LOCKABLE
ENTRANCES
CONC
89.1
BRICK WALL
TOW = 90.97
BRICK WALL
TOW = 84.77
& 87
,094 S. F.
QD = 355 S.F.
IDED = 360 S.F.