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'00 MAY 26 P4:30
OFFICE OF ZONING
DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14574, of Duron, Inc., pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations, for a special exception under Paragraph 3101.48 (212, DCMR 11) to establish a parking lot to service the customers and employees of the store located at 1200 U Street, N.W., in an R-4 District at premises 1932 - 12th Street, N.W., (Square 274, Lots 71 through 75).

HEARING DATE: March 25, 1987
DECISION DATE: March 25, 1987 (Bench Decision)

FINDINGS OF FACT:

1. At the public hearing, John M. Swagart, Jr., a tenant in common for the property, authorized Duron, Inc. the leasee of the site, to apply for the subject application.

2. The property is located on the west side of 12th Street, N.W. between U Street on the north and T Street on the south. It is known as premises 1932 12th Street, N.W. The property is located in an R-4 District.

3. The property is located in its entirety within 105 feet of an existing C-2-A District. The northern lot line of the property abuts the southern boundary of a public alley containing the dividing line between the R-4 and the C-2-A Districts.

4. The site is presently unimproved and contains approximately 8,000 square feet. A 15.3 foot wide alley is adjacent to its northern boundary and a ten foot wide alley is adjacent to its western boundary.

5. The lot is located in a mixed use area which contains small retail shops including a chili shop, a shoe repair store, a cleaners, a grill/restaurant and two liquor stores; larger retail stores including a bank; and single family dwellings and rowhouses. The neighborhood is also characterized by many vacant buildings. The four rowhouses which abut the site to the south are abandoned. One block south of the site on 12th Street is the YMCA, also vacant. North of the subject site along U Street between 12th and 13th Streets are several vacant retail shops and the Lincoln Theater, also empty. The area additionally has several vacant, unimproved lots.

BZA
Case No. 16602
Exhibit No. 13

Board of Zoning Adjustment
District of Columbia
CASE NO.16602
EXHIBIT NO.13

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6. Pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 3101.48 (212, DCMR 11) to establish a parking lot to service the customers and employees of the Duron Paint store located at premises 1200 U Street, N.W.

7. The paint store is located north of the site at the southwest intersection of U and 12th Streets, N.W. The site of the paint store and the subject site are separated only by the public alley.

8. The lot is contiguous to and is located entirely within 200 feet of a commercial district.

9. The lot will contain 19 parking spaces and will be open during the hours the Duron Paint Store is open.

10. The parking area, access lanes and driveways will be paved with an all-weather, water-impervious surface.

11. The parking lot is designed so that no vehicle or any part thereof will project over any lot line or building line. Wheel stops will be installed on the perimeter spaces to prevent such projection.

12. No other use will be conducted from or upon the lot and no structure will be erected on the premises.

13. There will be one entrance and exit to the parking lot from the east-west public alley which is approximately 100 feet from the intersection of 12th and U Streets, N.W.

14. All lighting for this parking area will be arranged so that all direct rays of such lighting are confined to the surface of the parking area.

15. The lot will be surrounded by a seven foot high chain-link fence which will be locked during the hours the Duron Paint Store is not in operation. The lot will be maintained by employees of the paint store to keep it free of refuse and debris. The circumference of the parking area will be planted with lot ground cover and will be maintained in a healthy growing condition and in a neat and orderly appearance.

16. The applicant's traffic engineer testified that there is a shortage of off-street parking spaces in the area. He further testified that the area is experiencing a shortage of on-street parking space due to the construction work that is currently underway for the building of the Metro. The parking lot will provide convenient parking for customers and employees of the Duron Paint store adjacent to the site. The traffic engineer stated that by providing

parking spaces for employees and customers of Duron, the applicant will keep cars generated from its business on-site rather than take up parking on nearby residential streets. He concluded that the addition of a parking lot to the neighborhood will help alleviate the current parking shortage and thereby reduce overspill parking. The Board concurs.

17. The D.C. Department of Public Works (DPW), by memorandum dated March 18, 1987, reported that it had reviewed the application and identified no adverse impacts. The DPW recommended that all 19 spaces be used for the short term parking needs of the employees and customers of the paint store. DPW concluded that with the disruption of U Street due to Metro construction and the location of the paint store near a residential area that the establishment of the parking lot will be beneficial to the local street system. The Board concurs with the findings and recommendation of the DPW.

18. Advisory Neighborhood Commission (ANC) 1B, by memorandum dated March 18, 1987, recommended approval of the special exception for a period of three years with the conditions that the lot be bounded by a seven foot fence, that it be illuminated at night, that it be paved with asphalt and graded to a flat surface at street level, that it be maintained daily, and that efforts be made to prevent loitering on the fire escape and railing along side the store building. The Board concurs.

19. There was one letter filed in connection with the application which recommended that five years be the maximum period approved for the use of the property as a parking lot.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3108.48 (Section 212, 11 DCMR) of the Zoning Regulations. Section 3101.48 allows for the location of a parking lot, provided that:

3101.481 Such use will be located in its entirety within 200 feet of an existing commercial or industrial district and such parking lot shall be contiguous to or separated only by an alley from such commercial or industrial district;

3101.482 All provisions of Article 74 are complied with;

3101.483 Such use is reasonably necessary or convenient to the neighborhood and is so located and not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; and

3101.484 Before taking final action on an application for such use the Board shall have submitted the application to the District of Columbia Department of Public Works for review and report.

The Board concludes that the applicant has met the burden of proof. The lot will be located in its entirety within 200 feet of an existing commercial district. The applicant plans to comply with the provisions of Article 74 (Article 23, 11 DCMR), and the lot is reasonably necessary and convenient to the facility proposes to serve. Due to its relatively small size, its location adjacent to a commercially zoned area and its convenience to the neighborhood, the use of this property as a parking lot is not likely to become objectionable to the neighborhood because of noise, traffic or other conditions.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of the neighboring property in accordance with said regulations and maps.

The Board further concludes that it has accorded the ANC the "great weight" to which it is entitled. It is therefore ordered that the application is granted, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of three years from the date of this order.

2. The parking layout and landscaping shall be in accordance with the plan marked as Exhibit No. 28 of the record.

3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped.

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Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

7. 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 unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot. The lot shall be lit from dusk to dawn each day.

9. Duron security personnel shall patrol the site so that access is limited to properly authorized persons and vehicles.

VOTE: 4-0 (Maybelle T. Bennett, Paula L. Jewell, Charles R. Norris and William F. McIntosh to grant; Carrie L. Thornhill not present, not voting).

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

ATTESTED BY: _____
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: APR 24 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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