GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

DISTRICT OF COLUMBIA
OFFICE OF PLANNING
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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: September 28, 2000

SUBJECT: BZA Application 16610

APPLICATION

The Reinstatement of Application of 5501 Connecticut Avenue Associates (the applicant), pursuant to 11 DCMR 3104.1, is for a special exception under Section 214 to continue to operate an accessory parking lot serving a commercial building on the same lot in a C-1 and R-1-B district at Lot 69 in Square 1868, addressed 3725 Livingston Street, NW.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of this application subject to the conditions of the previous Order #15752 (attached).

BACKGROUND

The applicant is requesting to reinstate a special exception to continue the operation of an accessory parking lot serving a commercial building at 5501 Connecticut Avenue on the remainder of Lot 69, Square 1868. The previous special exception was issued on November 18, 1992. The applicant presently uses and intends to continue to use the subject property to provide fifteen (15) accessory parking spaces.

AREA DESCRIPTION

The property is located in Lot 69, Square 1868, in the northwestern quadrant of the District. The property is bordered by Connecticut Avenue to the west, a commercial lot and Morrison Street, NW, to the north, a public alley and a residential lot to the east, and Livingston Street, NW, to the south. The area along Connecticut Avenue is primarily

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commercial retail. The areas along Morrison Street, NW, and Livingston Street, NW, are single-family detached residential neighborhoods.

5501 Connecticut Avenue is currently occupied by Circle Liquors and is contiguous to several other stores and a second-story office space. The accessory parking lot is located on the southeast corner of the lot and is accessed only from Livingston Street, NW, and is screened by a 3' wood planter with mature landscaping. The parking lot is screened to the north and east with existing mature landscaping. There is no access to the public alley due to steep topography and mature trees.

EXISITNG ZONING AND REQUEST

The property is zoned C-1 and R-1-B. The accessory parking lot is located entirely in the R-1-B zone. The surrounding residential community is zoned R-1-B. Accessory parking lots are allowed in the R-1-B zone if approved by the Board of Zoning Adjustment.

COMPREHENSIVE PLAN

The Generalized Land Use Plan identifies the area as low-density commercial along Connecticut Avenue and low-density residential along Morrison Street, NW and Livingston Street, NW. Staff believes that there is no adverse impact on the integrity of the Comprehensive Plan and zoning plan since the parking use is accessory to the low-density commercial use, which is clearly neighborhood-serving retail. It has no adverse impact on the neighborhood property because the lot is well-screened, well-maintained and keeps customer parking off residential streets.

COMMUNITY COMMENTS

ANC 3G considered the application at their meeting of July 24, 2000 and voted 6-0 (a quorum being four) to support the application.

RECOMMENDATION

The Office of Planning recommends approval of the application subject to the conditions of the previous Order #15752 (attached) with the following notes:

Conditions 5 & 7 – The directional arrows and parking space markers need to be repainted.

Condition 10 – The landscaping surrounding the subject accessory parking lot is now mature and in good condition, but may not represent the exact description discussed in Condition 10.

AA/rcc

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15752 of 5501 Connecticut Avenue Associates, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to continue to operate an accessory parking lot serving a commercial building on the same lot in a C-1 and R-1-B District at premises 3725 Livingston Street, N.W. (Square 1868, Lot 69).

HEARING DATE: November 18, 1992
DECISION DATE: November 18, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to the application, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 214. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR 3108; that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map; and that the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.

2. The parking layout shall be as shown on the plat marked as Exhibit No. 2 of the record.

3. The applicant shall prohibit loitering on the lot. In the event that one or more vagrants are loitering on the lot, the applicant shall contact the Metropolitan Police Department.

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4. The applicant shall comply with all D.C. Laws regarding snow removal on public sidewalks adjacent to the site.

5. Directional arrows painted on the surface of the lot to establish a one-way driving pattern in accordance with the Board's previous approval shall be maintained in good condition.

6. The applicant shall maintain in good condition the "Right Turn Only" sign in the public space at the exit from the lot to direct traffic toward Connecticut Avenue.

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

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

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

10. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be in accord with the revised landscaping plan submitted on March 3, 1977, in BZA file No. 12259, and shall include 33 arbor vitae trees, six feet in height at planting, and 32 Japanese Yew trees, two feet in height at planting. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

11. 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.

12. 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.

13. The attendant's shelter shall not be located on nor project into the public space.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to approve; Angel F. Clarens and Sheri M. Pruitt not present, not voting).

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

ATTESTED BY: _____
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: DEC 8 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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 CONSUMER AND REGULATORY AFFAIRS.

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