GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

BZA
Case No. 16659
Exhibit No. 25

DATE: January 30, 2001

SUBJECT: BZA Application #16659 (John R. Klien - Accessory Parking Lot)
4418-20 Connecticut Avenue, N.W.

APPLICATION

The application by John R. Klien requests, pursuant to 11 DCMR 3103.2, for a special exception under Section 214 to continue an accessory parking lot in the R-1-B zone subject to approval by the BZA.

SITE AND AREA DESCRIPTION

The subject property is located to the rear of the property located at 4418-20 Connecticut Avenue, N.W. on the west side of Connecticut Avenue (Square 1971, Lot 825) between Yuma and Albemarle Streets in the North Cleveland Park neighborhood (See Attachment 1). Lot 825 is a 5,000 square foot lot that is accessed via a 20-foot wide public alley. The area immediately adjacent to the lot consists of a surface parking lot used by a Burger King restaurant and a car wash to the north; a 3-level parking garage for the Days Inn Hotel; a single family detached residential development to the west; and the building which the parking lot serves, across the alley, to the east.

The wider area around the subject property is a mixed-use community. Along Connecticut Avenue are a variety of retail and service uses in addition to a number of high-rise apartment buildings. Institutional uses such as the University of the District of Columbia, Edmund Burke School, and the Howard University School of Law are all a part of this community.

PROPOSAL

The applicant proposes to continue to use the property as a parking lot for tenants and customers of businesses at 4418-20 Connecticut Avenue. The businesses are a DryClean Depot laundry, Unihair Salon, a beauty shop, and offices of Jason Construction.

Board of Zoning Adjustment
District of Columbia
CASE NO.16659
EXHIBIT NO.25

HISTORY

The subject site was first approved for a parking lot in 1961 in BZA Application 6472. This order was approved for a period of 5-years and expired in 1966 (See Attachment 2). However, use of the property as an accessory parking was not discontinued. On October 11, 1995, the BZA approved the re-establishment of the accessory parking lot with conditions by order of BZA Application 16078 (See Attachment 3). One of the conditions of this order was that the approval would be for a period of five years. The 5-year period expired on October 27, 2000.

ANALYSIS

The subject property has been used as an accessory parking lot serving businesses at 4418-20 Connecticut Avenue for approximately 53 years. When the special exception was approved in 1995, the main user of this facility was a PETCO Supplies and Fish, a pet supply store. A DryClean Depot laundry that is the principal user of the parking lot has since replaced that store. A parking on this site is essential, as the building that it serves occupies 100 percent of the its lot, and therefore cannot accommodate parking.

Section 214

The standard by which the BZA should approve a special exception is set forth in Section 214 of the Zoning Regulations. The following demonstrates how these standards are met by the existing parking lot:

214.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.

All the parking spaces are located in an open area at grade.

214.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory.

All the parking spaces in the parking lot are located within 200-feet of the building that they serve.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

The parking lot is separated from the building it serves by a 20-foot wide alley.

214.5 All provisions of Chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under Section 2303.3 modify or waive the conditions specified in Section 2303.2 where compliance would serve no useful purpose.

The existing parking lot complies with the provisions of Section 2303 except for Sections 2303.1(f) and 2303.2(a). (See Attachment 4 for Section 2303).

Section 2303.1(f) states:

> *The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.*

From an inspection of the existing parking lot, the landscaped area shown on the Site and Landscape Plan has not been maintained. Many of the trees shown on the Plan were either not planted or have died.

The applicant has requested that the requirement of Section 2303.2(a) be waived as provided by Section 2303.3. Section 2303.2(a) states:

> *The parking lot shall be screened from all contiguous residential property located in the R-1, R-2, or R-3 district by a masonry wall at least 12 inches (12 in.) thick and forty-two (42 in.) high;*

This requirement can be waived as the residential property to the west is at a higher elevation than the parking lot and the house is setback from its rear property line. In addition, a board-on-board fence and some plantings separate the properties. Together, the difference in elevation combined with the fence and plantings provide screening between the two uses.

214.6 It shall be economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or uses is permitted because of the following:

(a) strip zoning;

(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

(c) Unusual topography grades, shape, size, or dimensions of the lot;

(d) The lack of an alley or the lack of appropriate ingress and egress through existing or proposed alley or streets; or

(e) Traffic hazards caused by unusual street grades or other conditions.

The lot containing the principal use to which the parking lot is accessory is 100 percent developed. Therefore, it is impractical to locate the parking lot on the same lot.

214.7 Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

Over the past five years, there have not been any unsafe conditions that create adverse traffic conditions. This parking lot provides parking for customers of the business and reduces congestion caused by cars parking along Connecticut Avenue or on surrounding residential streets. There have not been any complaints of excessive noise on the parking lot. All the businesses that this parking lot serves are closed before 9:00 p.m. and therefore there are no late night disruptions to the adjacent residential community.

214.8 Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Public Works for review and report.

The Department of Public works did not file a report but did inform the Office of Planning that the parking lot did not present adverse impacts on traffic movements in that area.

BZA Conditions

On October 11, 1995, the BZA approved Application 16078, a special exception for the parking lot with conditions. The applicant has satisfied these conditions in the following manner:

1. Approval shall be for a period of five years.

The approval by the BZA expired on October 27, 2000 and therefore the applicant has requested an extension to use the property as an accessory parking lot.

2. Eighteen parking spaces shall be provided on the site.

The Site Plan approved by the BZA shows 18 parking spaces and a space for the garbage dumpster and the parking lot is striped for eighteen parking spaces. However, from a site inspection, the dumpster has been relocated to the rear of the parking lot and the space is now used for parking.

3. The hours of operation shall not exceed 8:00 a.m. to 9:00 p.m.

The hours of operation of the DryClean Depot are 7:00 a.m. - 8:00 p.m. Mondays to Fridays, which are not in compliance with the hours approved by the BZA. The BZA may want to consider changing the hours of operation to 7:00 a.m. – 9:00 p.m. as DryClean Depot is open

early to accommodate persons who go to work. Since locating here, there have been no complaints regarding its hours of operation.

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

The parking lot is striped and paved and is in conformance with this condition.

5. ***Wheel-stops shall be installed.***

Wheel-stops are located on all parking spaces.

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

There is a garbage dumpster on the parking lot and from inspection is kept free of debris. The lot is paved and has some landscaping which needs to be improved and maintained.

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

All the parking spaces are located with the boundaries of the property. Vehicles are prevented from extending onto adjacent properties by wheel-stops and a wall along the southern property, a steel, ground rail along the northern property line, and wood border and landscaping along the western property line.

8. ***Landscaping shall be provided as identified on the site plan. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.***

The landscaping shown on the Site and Landscape Plan has not been maintained. Many of the 20 Leland Cypress Evergreen trees that are shown on the Plan were either not planted or have died. The few existing trees have not grown to any appreciable size in the past five years due to neglect. The applicant has not maintained a healthy growing condition and the landscaped area does not present a neat and orderly appearance. Therefore, the image and buffer that was envisioned to be created by the landscaped area has not materialized.

9. ***No other use shall be conducted from or upon the premises and no structure other that 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.***

There are no structures on the parking lot.

10. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that al direct rays of such light are confined to the surface of the parking lot.

There are no parking lot lights. The parking lot is lighted from spillover from adjacent parking lots.

Section 3104.1

The standard by which the BZA should approve a special exception is set forth in Section 3104.1 of the Zoning Regulations. The following demonstrates how the accessory parking lot has met these standards:

. . . special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The proposal upholds the general provisions of the R-1 zone as outlined in Section 200 that state:

200.1 The R-1 district is designed to protect quiet residential areas now developed with one-family detached and adjoining vacant areas likely to be developed for those purposes.

200.2 The provisions of this chapter are intended to stabilize the residential areas and promote a suitable environment for family life . . .

It is the aim of the Zoning Regulations and Map to develop this area with single-family detached units. This endeavor will not be jeopardized, if the parking lot is screened and buffered from the adjacent residential area. In addition, the retail businesses which utilize this parking lot are neighborhood-serving uses and compatible with the residential character. Therefore, the intent, purpose, and integrity of the Zoning Regulations and Map will be maintained.

COMMUNITY COMMENTS

On January 16, 2001, ANC 3F voted to recommend approval for the continued use of the property as an accessory parking lot, with the condition that the garbage container be kept closed in order to discourage rats and rodents in the area.

SUMMARY AND RECOMMENDATION

The parking lot is essential to the operation of businesses at 4418-20 Connecticut Avenue and has operated for over 54 years without any adverse impacts to the community. In fact, this parking lot is important to this area as it provides easy access to the businesses it serves, and reduces on-street parking along Connecticut Avenue and other adjacent residential streets. The parking lot does not have any adverse effect on the surrounding properties and generally meets

the requirements outlined in the Zoning Regulations and the conditions imposed by the BZA. The conditions that are not met do not affect the operation of the parking lot but will improve important visual screening and appearance.

The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the special exception request to continue the use of the site as an accessory parking lot with the following conditions:

1. ***Approval shall be for a period of two years.***
2. ***The hours of operation shall not exceed 7:00 a.m. to 9:00 p.m.***
3. ***All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving material forming an all-weather impervious surface.***
4. ***All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped.***
5. ***The garbage dumpster shall be relocated to the area as shown on the Site Plan. The dumpster shall be kept closed in order to minimize rats and other rodents in the area.***
6. ***Landscaping shall be provided as identified on the site plan. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.***

Attachments

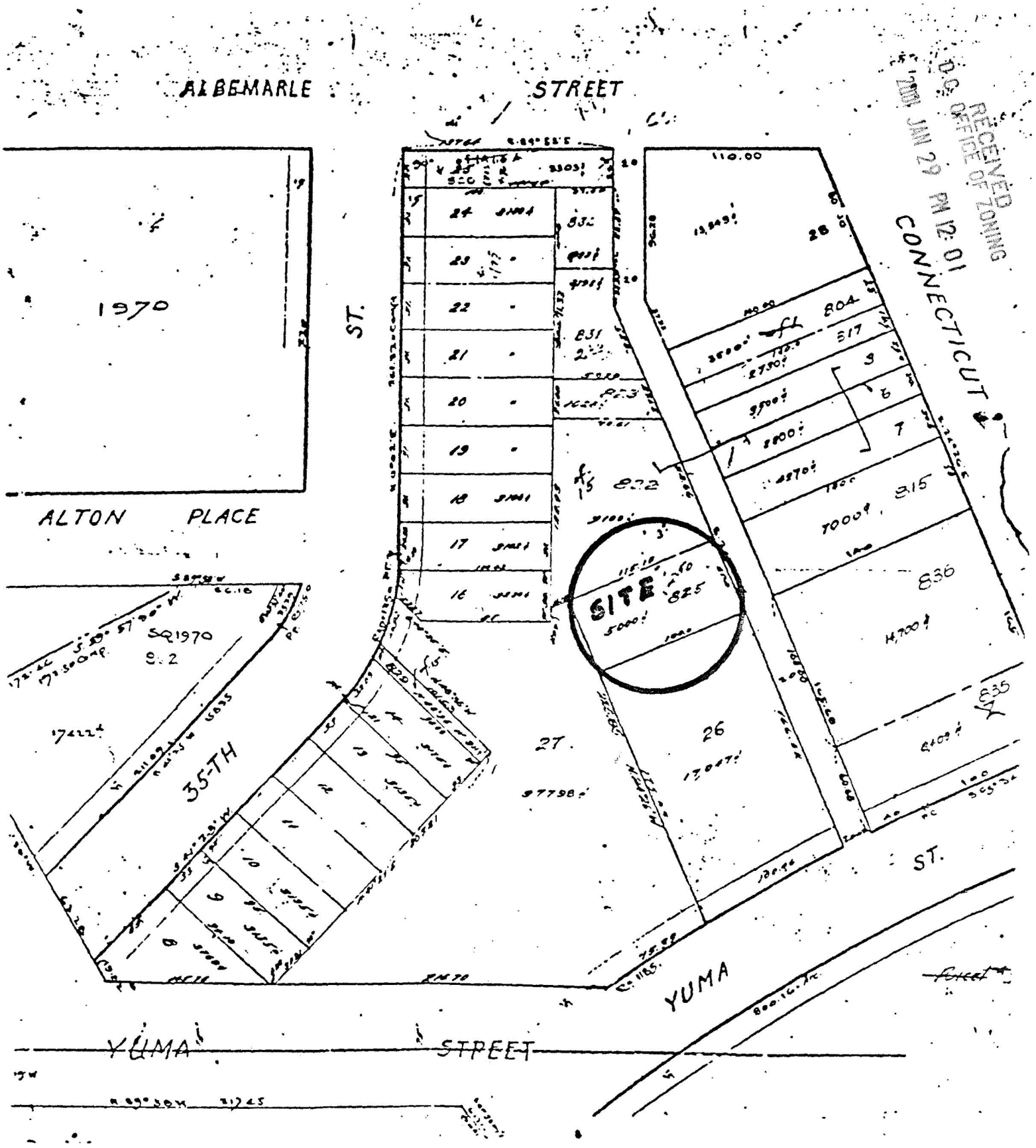
Attachment 1 – Site Location

Attachment 2 – Order for BZA Application #6472

Attachment 3 – Order for BZA Application #16078

Attachment 4 – Section 2303

AA/mbr



ATTACHMENT 1

Mr. Koones:

I move that the following Order be entered:

ORDERED:

That the appeal of Robt. T. and Evelyn C. Dowd to continue operation of a parking lot at the rear of 4418-20 Connecticut Ave. N.W., lot 825, square 1971, be granted for the following reasons and subject to the condition hereinafter set forth:

(1) This parking lot was originally granted by the Board on September 19, 1956, and has been renewed from time to time by the Board. We find that the continued use of this parking lot is reasonably necessary and convenient to the neighborhood and is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions, being located immediately to the rear of the commercial frontage of Connecticut Avenue and providing off-street parking for the electrical supply store immediately across the alley facing Connecticut Ave.

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

(3) There was no objection to the granting of this appeal registered at the public hearing.

This Order shall be subject to the following condition:

(a) Permit shall issue for a period of five years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

Mr. McIntosh: I second the motion. Motion unanimously carried.

ATTACHMENT 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16078 of 4418-20 Connecticut Avenue Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to re-establish an accessory parking lot in an R-1-B District at premises Rear 4418-20 Connecticut Avenue, N.W. (Square 1971, Lot 825).

HEARING DATE: October 11, 1995
DECISION DATE: October 11, 1995 (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) 3F and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to the application, submitted written a written statement indicating that it would not object to the application if the approval period does not exceed five years.

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 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. The Board further concludes that granting 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. Eighteen parking spaces shall be provided on the site.

3. The hours of operation shall not exceed 8 a.m. to 9 p.m.

ATTACHMENT 3

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

5. Wheel stops shall be installed.

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

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

8. Landscaping shall be provided as identified on the site plan. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

9. 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.

10. 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.

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: 4-0 (Angel F. Clarens, Maybelle Taylor Bennett, Susan Morgan Hinton and Craig Ellis to grant; Laura M. Richards not present, not voting).

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: OCT 27 1995

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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16078/TWR/LJP

2303 PARKING LOTS

2303.1 A parking lot in any district shall conform to the following special provisions:

(a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials or other material approved by the District of Columbia Department of Public Works as structurally equivalent or better, which form an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.

(b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line;

(c) 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 the use or structure is otherwise permitted in the district in which the parking lot is located;

(d) No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended; and

(e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.

(f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.

2303.2 In addition to the provisions of §2303.1, a parking lot located in an R-1, R-2, R-3, R-4 or R-5-A District, and a parking lot located in any other district where such parking lot is contiguous to an R-1, R-2, R-3, R-4 or R-5-A District, shall be screened from all contiguous residential property located in R-1, R-2, R-3, R-4 or R-5-A District by a solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted.

(a) The parking lot shall be screened from all contiguous residential property located in an R-1, R-2, or R-3 district by a solid masonry wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high; and

ATTACHMENT 4

(b) All parts of the lot not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance.

2303.3 If approved by the Board of Zoning Adjustment, the conditions set forth in §2303.2 may be waived or modified.

2303.4 Before authorizing a waiver or modification, the Board shall give consideration to the following:

(a) The adequacy of protective and screening walls located on adjacent residential property;

(b) Topographic and traffic conditions; and

(c) Any adverse effect the requested waiver or modification of standards may have on adjacent residential property.

2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.