BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

IN RE:	)	
	)	
Drivers, Chauffeurs & Helpers	)	BZA Case No. 16802
Local Union No. 639	)	Hearing Date: 12/11/2001
	)	ANC 5A
	)	

STATEMENT OF APPLICANT

I. Nature of Relief Sought

This is an application for special exception relief pursuant to Sections 214 and 3104 of the Zoning Regulations, to allow the continuance of a previously approved assessory parking lot servicing the offices and meeting hall (seating up to 700) of the Drivers, Chauffeurs and Helpers Local Union No. 639. The subject premises are located at 3100 and 3130 Ames Place, N.E. (Lots 3 and 4 in Square 4364) in the C-M-1 and R-1-B Districts.[1]

II. Jurisdiction of the Board

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

III. Factual Background

The subject site is located in northeast Washington, north of New York Avenue, N.E., between South Dakota Avenue and Bladensburg Road. The site is in the square bounded by Adams Street to the north, 33rd Street to the east, Ames Place to the south, and 31st

[1]The BZA last approved the assessory parking lot use in 1995, pursuant to BZA Order No. 16013.

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Street to the west. The subject site is generally rectangular in shape, and consists of approximately 69,540 square feet, or 1.59 acres of land. The subject parking lot is accessed via Ames Place, and fronts on Adams Street. All of the above four streets are 90 foot wide rights-of-way, allowing two-way traffic. There are two driveways leading from Ames Place to the parking lot.

North of the subject site, across Adams Street, there are several single family detached dwellings, a small church, and a public playground in the R-1-B District. There is a six foot high masonry wall, and landscaping which separates and buffers the north side of the parking lot from the residential uses across Adams Street. East of the subject site, across 33rd Street, there is a construction company storage yard in the C-M-1 zone. South of the subject site there is a 150 space District of Columbia impoundment lot, and bus parking lot in the C-M-1 zone. In the northwest corner of the subject square is a single family dwelling in the R-1-B District. This is the only dwelling, and the only other use, located in the subject square. Further west across 31st Street there are several single family dwellings, and a lot used to store U.S. Postal Service trailers.

The subject property is developed with two two-story masonry buildings. The western most building on the site is used for general offices, meeting hall, and public hall facilities by the Drivers, Chauffeurs, and Helpers Local Union No. 639. The eastern most building on the site is occupied by the offices of the Union's pension, health and welfare trust funds. The remainder of the site

is devoted to the subject accessory parking spaces, outdoor picnic area and open space. The accessory parking spaces, which make up the majority of the site, are asphalt paved. The entire site is landscaped on its perimeter, including chain link fencing, a masonry wall (which separates the residential uses across Adams Street to the north), evergreen and deciduous trees and bushes. The parking spaces are lighted by several pole fixtures.

The subject parking lot has been in existence for over 30 years, predating the Union's occupancy of the property. The Teamsters have relied over the years on the use of its 149 space accessory parking lot for its office use, as well as for the various events that are held in its public hall. In addition to hosting periodic meetings of its members, the Union makes the meeting hall available to community and other organizations.

IV. Argument

A. Applicant is Entitled to Special Exception Relief for the Continuation of the Parking Lot Use

The subject application deals with the continued use of 83 accessory parking spaces that are located on the R-1-B portion of the site. The remaining 66 parking spaces on the site are located in the C-M-1 District, and as such, are allowed to continue as a matter-or-right. A special exception is a use that is deemed compatible with other uses permitted in that particular zoning classification provided that certain requirements are met. If the applicant meets its burden, the Board ordinarily must grant the application. First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment, 452 A.2d 695 (D.C. 1981). For

the foregoing reasons the Applicant meets its burden, and is entitled to the requested relief.

B. The Applicant Meets the Criteria of Section 214

Section 214 of the Zoning Regulations permits the location of accessory parking spaces elsewhere than on the same lot or part of lot as the main use, provided that certain criteria are met. In the subject case, 83 of the 149 spaces are located in the R-1-B zone. The Applicant requests permission to continue the use of these 83 spaces to serve its offices, meeting hall and public hall use of the site. The proposed parking space use meets the criteria for approval delineated by this section.

(1) **Subsection 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.

Response: The subject accessory parking spaces are located in an open area, at grade level.

(2) **Subsection 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.

Response: The accessory parking spaces are entirely within 200 feet of the Union offices, meeting hall and public hall facilities they serve.

(3) **Subsection 214.4** - Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

Response: The accessory parking spaces are located contiguous to the Applicant's facilities.

(4) **Subsection 214.5** - All provisions of Chapter 23 of [the Zoning Regulations] regulating parking lots [§2303] shall be complied with, except that the Board may in an appropriate case under §2303.3 modify or waive the conditions specified in 2303.2 where compliance would serve no useful purpose.

Response: See Section C below.

(5) **Subsection 214.6** - It shall be economically impracticable or unsafe to locate the spaces within the principal building or on the same lot on which the building or use is permitted.

Response: It is economically impracticable to locate the R-1-B zoned accessory parking spaces on the C-M-1 portion of the site due to shallow zoning depth and restricted lot size. The square is split zoned, and the parking lot is bisected by the zoning line. All accessory spaces could be located on the C-M-1 portion of the lot only by way of construction of a below grade parking garage on the southern half of the square. This could only be achieved at a tremendous cost to the Union, and it would not be economically feasible.

(6) **Subsection 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.

Response: The subject accessory parking spaces have existed in their present design for 30 years. The Teamsters and their guests have relied on the safe and convenient service afforded by the accessory parking lot for the past 19 years. As evidenced by the continued approval of the parking spaces by the Board of Zoning Adjustment, the parking spaces in the R-1-B zone are entirely screened from other nearby uses and are not objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

(7) **Subsection 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 report and review.

Response: The Applicant understands that OP has referred this application to DPW.

C. The Applicant Complies With the Criteria of Section 2303

1. **Section 2303.1** - The accessory parking lot complies with all of the relevant provisions of §2303.1 as follows:

(a) All areas devoted to driveways, access lanes, and parking areas are paved and maintained with asphalt, which forms an all-weather impervious surface, and which is a minimum of four inches (4") in thickness.

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

(c) No other use is conducted from, or upon the premises, and no structure has been or will be erected or used upon the premises, other than uses or structures otherwise permitted in the district in which the parking lot is located.

(d) No vehicular entrance or exit is within forty feet (40') of a street intersection as measured from the intersection of the curb lines extended.

(e) The lighting used to illuminate the parking lot is arranged so that all direct rays of the lighting are confined to the surface of the parking lot.

(f) The parking lot is kept free of refuse and debris and is landscaped. Landscaping is maintained in a healthy growing condition, and in a neat and orderly appearance. Landscaping with trees and shrubs covers a minimum of five percent (5%) of the total area of the parking lot. The entire perimeter of the parking lot is well landscaped.

2. **Section 2303.2** - A parking lot located in an R-1 District, and a parking lot located in any other district where such parking lot is contiguous to an R-1, District shall be screened from all contiguous residential property located in an R-1 District by a solid brick or stone wall at least twelve inches (12") thick and forty-two inches (42") 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 height when planted.

Response: The parking lot is screened from all contiguous residential property located in an R-1-B District, by evergreen hedges and other similar trees which are thickly planted and maintained, and are at present over six feet (6') high on average. The northern side of the parking lot is also bordered by a six feet (6') high masonry wall which, in addition to the planted screening, provides a visual barrier between the lot and the dwellings to the north. The lot at other points is surrounded by a fence at least six feet (6') high. Additionally, all parts of the lot that are not devoted to parking areas, driveways, access lanes, or required screening walls are kept free of refuse and debris and are paved and landscaped. Landscaping is maintained in a healthy growing condition, and in a neat and orderly appearance.

3. **Section 2303.2(a)** - A 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") thick and forty-two inches (42") high.

Response: The R-1-B zoned portion of the site is screened from all contiguous residential property by a six feet (6") tall solid masonry wall, which is approximately twelve inches (12") thick.

4. **Section 2303.2(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.

Response: As described above, the Applicant's continued maintenance of the subject property has been in accordance with this section.

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

Response: The subject application complies with the letter, spirit and intent of Section 2303.2.

6. **Section 2303.4(a,b, and c)** - 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.

Response: The Applicant does not request any waivers or modifications from the above provisions. The Applicant completely satisfies the burden of proof in its request for special exception approval.

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

Comment: The Applicant has made every effort to maintain the property in a manner so as to protect the value of adjacent property.

D. The Applicant has Continued to Operate in Accordance With the Board's Conditions of Approval

The parking lot which is the subject of this application has been continuously approved by the Board since December 8, 1969, in Order Nos. 10111, 10613, 11051, 11416, 11795, 13278, 13448, 14154, 14694, and 16013. The Applicant requests that the Board further extend the approval which was initially given over 30 years ago, and which has been continuously renewed by the Board on a number of occasions, as noted above. As described herein, and through the Applicant's testimony at the public hearing, the circumstances warranting the relief granted over the past 30 years are still present today. The Applicant continues to operate the accessory parking lot in full compliance with the conditions of BZA Order No. 16013, and as such requests the Board to approve the continued use of the accessory parking lot.

E. The Applicant Meets the Criteria of Section 3104.1

To approve a Special Exception, the Board must determine that it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. As stated hereinbefore, the subject accessory parking lot has existed in its present

configuration for over 30 years. The split zoned site (C-M-1/R-1-B) abuts industrially zoned and developed property on its south side. On the north side of the subject site, where the parking spaces abut residentially zoned property, the Applicant has taken appropriate measures in the form of substantial landscaping, including a six foot (6') high masonry wall, so as to not adversely affect the use of neighboring property. The Applicant has demonstrated that the continued use of the parking lot is in harmony with the general purpose of the Zoning Regulations.

V. Conclusion

The Applicant has fully met the burden of proof for special exception relief under §§ 214, 2301 and 3104.1 of the Zoning Regulations. Further, the Applicant has demonstrated that the accessory parking lot has operated for the past 30 years without adversely affecting the use of the neighboring property.

The Applicant respectfully requests that the Board grant the application without imposing a time limitation on its approval. Over the past 19 years, the Applicant has demonstrated its commitment to operate the lot so as to not be objectionable to neighboring properties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Statement of Applicant was mailed first-class, postage prepaid on this 4th day of December, 2001 to:

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