GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16013 of Drivers, Chauffeurs and Helpers Local Union No. 639, pursuant to 11 DCMR 3108.1, for a special exception under Section 214, to continue to operate an accessory parking lot for offices, meeting hall and public hall - seating 700 persons in an R-1-B and C-M-1 Districts at premises 3101-03 Ames Place, N.E. (Square 4364, Lots 3 and 4).

HEARING DATE: December 21, 1994
DECISION DATE: February 1, 1995

ORDER

SUMMARY OF EVIDENCE

1. The property that is the subject of this application is located at 3100 Ames Place, N.E. (Square 4364, Lots 3 and 4), north of New York Avenue, N.E., between South Dakota Avenue and Bladensburg Road, N.E., in the C-M-1 and R-1-B Districts. 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 Street to the west.

2. The subject site is generally rectangular in shape and consists of approximately 6,540 square feet, or 1.54 acres of land and is improved with two one-story structures and an at grade parking lot. The subject parking lot is accessed by way of Ames Place, and fronts on Adams Steet.

3. The remaining portion of Square 4364 (consisting of about 12.45 percent) is developed with a single-family detached dwelling located on the northwest corner of the square. The site has a 405-foot frontage on Ames Street to the south, a 305-foot frontage on Adams Street to the north, and a 208-foot frontage on 31st Street to the west.

4. The site is split-zoned, with the southern three-fifths in a C-M-1 District and the northern two-fifths in an R-1-B District. North of the site, across from Adams Street are several single-family detached dwellings, a small church, and a public playground in the R-1-B District. East of the site, across 33rd Street is a construction company storage yard in the C-M-1 District. A 150-space Metro bus and employee parking lot is located south of the site, across Ames Place, in the C-M-1 District. Several single-family dwellings and a vacant and fenced parking lot used to store tractor trailers are located to the west across 31st Street.

Rec'd 10/1/94 KW

BZA
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Exhibit No. 6

Board of Zoning Adjustment
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CASE NO.16802
EXHIBIT NO.6

5. The subject property contains two, two-story masonry buildings. The westernmost building is used for general offices, a meeting hall, and public hall facilities by the Drivers, Chauffers, and Helpers Local Union No. 639. The easternmost building is occupied by the offices of the union's pension, health and welfare trust funds. The remainder of the site is paved with asphalt and is devoted to the accessory parking spaces, which make up the majority of the site. The entire site is landscaped along its perimeter, including chain link fencing, a masonry wall (which separates the residential uses across Adams Street to the north), and evergreen trees and bushes. There are two driveways leading from Ames Place to the parking lot.

6. The subject site is split-zoned R-1-B/C-M-1. A parking lot is a matter of right use in a C-M-1 District. Accessory parking is permitted in an R-1-B District if approved by the Board of Zoning Adjustment in compliance with the provisions of Section 214 of 11 DCMR.

7. The applicant requests a special exception under the provisions of Section 3108.1 and 214 of 11 DCMR in order to continue a use that was initiated approximately 25 years ago. The applicant bought the site in January 1981. Prior to the purchase by the applicant, the site had been used for more than 10 years by a construction company as a parking lot for employees, trucks, and other company vehicles. The parking lot has 149 parking spaces, 83 of which are located in the R-1-B zoned portion of the property, thus requiring continuing special exception zoning relief. The remaining 66 spaces are located in the C-M-1 portion of the property and, as such, are allowed as a matter of right use. The BZA last approved the accessory parking lot use of the subject premises in 1987, by BZA Order No. 14694. That order expired on December 22, 1991.

8. The applicant testified that he has operated the subject accessory parking lot in full compliance with all the conditions of the previous BZA Order No. 14694 and with the provisions of Chapter 23 of the Zoning Regulations.

9. Advisory Neighborhood Commission (ANC) 5A, represented by its chairman, Mr. Raymond L. Dickey, Sr., opposed the application of Drivers, Chauffers and Helpers of Local Union No. 639 on the grounds that neighborhood residents were seriously concerned about, among others, automobile emission, traffic jams, noise, crime in the area, and lack of peace and quiet of the community because of the continued use of the accessory parking lot.

10. Ms. Mozelle E. Watkins, the Commissioner for Single-Member District (SMD) 5A11 where the subject property is located, said that her constituents opposed the application because they

suffered from a history of discontent and sleeplessness from the activities that were carried out at Union Hall on the property.

11. Ms. Deborah Dawkins Stroman, president of the Gateway Community Association, and who resides at 2330 31st Street, N.E. directly across the street from the Teamsters 639 Union Hall, testified in opposition to the application. She said, among others, that numerous social activities held in Union Hall resulted in unbearable loud music, loitering, drinking, littering, and speeding of vehicles. Ms. Stroman gave the primary reasons for the Gateway community's opposition to the application as follows:

a. The teamsters current certificate of occupancy issued on June 21, 1971, authorized the applicant to use the site for off-street parking and for office use.

b. The teamsters current certificate of occupancy issued on September 20, 1985, authorized the applicant to use the site for the additional purpose of a meeting hall for the union and office use.

c. No other use for the mixed-use commercial-residential site has been authorized, and as such, no other use is currently permitted without a certificate of occupancy specifically approving another use.

d. The teamsters must immediately initiate steps to obtain a BZA variance if applicant desires to operate a public hall at this site.

e. The Teamsters current unlicensed use of the facility as a public hall is a direct violation of D.C. law. Applicant must immediately cease and desist from the ongoing use of the facility as a public hall, and conduct no activities and events as a public hall, other than union activities previously authorized by the two current C of Os.

f. It was ordered that no use of the facility as a public hall shall be allowed unless the D.C. Board of Zoning Adjustment grants a zoning variance, allowing the issuance of a C of O and license for public hall use.

12. Mr. Ricaud Owens, a resident at 2414 30th Street, N.E. and a member of the Gateway Community Association, testified in opposition to the application, primarily on the grounds that the

Teamster's union had not operated in harmony with the general purpose and intent of the Zoning Regulations.

Mr. Owens said that granting the application would give sanction to weekly recurrences of loud, unbearably deafening music for which the police had been called on numerous occasions to no avail. This disturbance had started as early as 9:00 p.m. and lasted until 3:00 a.m. Added to the above, he said, was obnoxious, disrespectful behavior by patrons going to and returning from most of the Union Hall functions.

13. The record contains a petition of 75 neighbors from the neighborhood in opposition to the application.

14. The Office of Planning (OP), by memorandum dated December 18, 1994, recommended approval of the application for a ten-year period. The OP was of the opinion that the applicant's request to continue to use the parking lot, as authorized by BZA Order No. 14694, would not create additional adverse effects on adjacent properties, nor would it adversely affect the surrounding neighborhood.

15. The Department of Public Works (DPW), by memorandum dated December 7, 1994, offered no objection to the application. The DPW was of the opinion that if the accessory parking lot was discontinued, parking spillover would adversely affect the surrounding residential neighborhood.

16. The Metropolitan Police Department (MPD), by its letter of November 22, 1994, had no objection to the application. The MPD was of the opinion that the change proposed by the applicant would not affect the public safety in the immediate area or generate an increase in the level of police services provided.

17. The Department of Fire and Emergency Medical Services Review (FEMSR), by its memorandum of October 27, 1994, offered no objection to the application. Fire and EMS insisted, however, that fire and life safety features, which are required by city codes, must be determined during the plan review process as part of the building permit application review.

18. Ward 5 Councilmember Harry L. Thomas, Sr., by a letter dated December 8, 1994, expressed his support for the application and recommended that the special exception be approved for an indefinite period because there had not been any changes in circumstances since the last order issued by the BZA. D.C. City Councilmember-At-Large John Ray and Linda Cropp, each by a letter dated December 15, 1994, and Councilmember-At-Large William Lightfoot, by a letter dated December 8, 1994, expressed similar support for the application.

19. The Washington Urban League, Inc. offered its support for the application by its letter dated December 9, 1996. The Urban League, Inc. noted that special lunches and community meetings held in the subject property had been warm and friendly.

20. Ms. Linda H. Moody, the Ward 8 representative and president of the Washington D.C. School Board, expressed her support for the application and said that many more good neighbors as the Teamsters' Union were needed.

21. The record contains a petition of 43 signatures from the neighborhood in which the subject property is located in support of the application.

22. Mr. Philip A. Feaster, president of the Teamsters' Union, in his testimony requested that the BZA grant the application without imposing a time limitation since the Teamsters' Union had demonstrated its commitment for the past 14 years to continue to operate the subject lot so as not to be objectionable to neighboring property.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. 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 and 14694. The applicant requests that the Board further extend the approval which was initially given 25 years ago, and which has been continuously renewed by the Board on a number of occasions, as noted above.

2. The lot serves the daily parking needs for the employees and members of the Teamsters Union Local 639. In addition, the parking lot is used for membership meetings. The lot was observed to be clean, well maintained and adequately screened from all adjacent residential properties.

3. The applicant complies with all of the relevant provisions of the Zoning Regulations as specified in Sections 3108.1, 214 and 2303 of the Zoning Regulations.

4. Denial of the application would result in greater parking and traffic in the residential neighborhood.

5. A formal means of communication between the applicant and the community is needed to resolve their differences.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of the record. The Board concludes that the applicant is seeking a special exception to allow the continuance of a previously approved accessory parking lot in an R-1-B District. The granting of such a special exception requires a showing of substantial evidence that the continued use of the lot will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of 11 DCMR Sections 214, 3108 and 2303.

The Board further concludes that the applicant has met the requisite burden of proof as evidenced in the fact that the accessory parking lot has been operated for the past 25 years without adverse effects on neighboring property, and in full compliance with conditions as proposed in BZA Order No. 14694. The Board further concludes that it has afforded Advisory Neighborhood Commission 5A the "great weight" to which it is entitled.

Accordingly, the Board hereby **ORDERS** that the application be **GRANTED SUBJECT** to the following **CONDITIONS:**

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

2. The applicant shall establish and maintain a community liaison program consisting of representatives of the applicant, the ANC, the Gateway Community Association and the neighborhood. The applicant shall conduct meetings of the community liaison members at least twice a year. Notice of the meetings shall be given to the ANC, the Association and the owners of all property within 200 feet of the site. The applicant shall be responsible for keeping minutes of all meetings and providing biannual reports of its activities. The applicant shall file copies of all minutes and biannual reports with the Board at the time of filing an application for continuance of the special exception relief.

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. 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.

VOTE: 5-0 (Maybelle Taylor Bennett, Susan Morgan Hinton, Laura M. Richards, Angel F. Clarens and Craig Ellis to grant).

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

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

FINAL DATE OF ORDER: OCT 1 1996

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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16013

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 1 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Slowe School Demountable
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Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

Date: OCT 1 1996