GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

D.C. BOARD OF ZONING ADJUSTMENT
2002 SEP 10 PM 3:29

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

DATE August 5, 2002

SUBJECT: BZA Application 16913 - Chase Plaza Dental Clinic
Request for a variance from the parking requirements of Section 2101.1 or alternatively, a special exception to permit two (2) of the four (4) required parking spaces to be provided on a lot other than that which the clinic is located.

APPLICATION
The applicant is seeking:

(a) **A variance from the required number of parking spaces (4 to 2) pursuant to Section 3103.2, or**
(b) **Special Exception relief pursuant to Section 3104.1 of Title 11 DCMR**

for property located at 5406 Connecticut Avenue, N.W., Square 1857, Lot 2311. The property is zoned R-5-D.

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of special exception relief on condition that the applicant presents a lease agreement for the two spaces at another location or, alternatively, approval of the variance request to allow the applicant to provide only two (2) of the required four (4) spaces.

SITE AND AREA DESCRIPTION
The property is located on the west side of Connecticut Avenue, between Military Road to the south and Legation Street on the north. It is improved with a 54-unit condominium apartment building, including a 1,165-square foot dental clinic located on the ground floor of the building. The site provides parking according to parking requirements for

BZA
Case No. 16913
Exhibit No. 30

Board of Zoning Adjustment
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EXHIBIT NO.30

R-5-D residences: one (1) for every three (3) units. The condominium has the required 18 spaces at the rear of the building for 54 apartment units.

The surrounding area is developed primarily with condominium apartment buildings and single- family homes. To the north, across the public alley, is another condominium apartment complex, The Garfield. To the west of the subject property's rear parking lot are the rear yards of semi-detached residential properties. To the south is a condominium apartment building. To the southwest is a private parking lot.

PROJECT DESCRIPTION

The applicant applied for a Certificate of Occupancy to operate a dental clinic on the ground floor of the Chase Plaza. The Zoning Regulations allow the clinic as a matter-of-right in the R-5-D district and §2101 further requires the clinic to provide parking for its patrons, at one space for every 300 square feet of gross floor area. The applicant operates the clinic in an 1165 square-foot condo unit, which would require 4 parking spaces.

The parking lot currently has 18 spaces, and no spaces are allocated to the dental clinic. The applicant has determined that 20 spaces can be provided on the lot if the spaces are re-striped, and the two (2) additional spaces dedicated to the clinic, to provide two (2) of the four (4) required spaces. The applicant is requesting relief through either a grant of a special exception, by proposing two spaces on the existing lot and locating two (2) spaces on an adjacent parking lot, or a variance from the four (4) spaces requirement, to provide only two (2) spaces on the lot at the rear of the building.

RELIEF REQUESTED and ANALYSIS

SPECIAL EXCEPTION

According to § 2101.1, a clinic in the R-5-D district requires 1 space for each 300 square feet of gross floor area. The location of parking spaces is regulated by § 2116. Exceptions to parking space requirements in any district are outlined in §§ 2116.5 through 2116.9. as follows:

2116 LOCATION OF PARKING SPACES

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2116.5 Except as provided in §2117.9, if approved by the Board of Zoning Adjustment, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one (1) family dwelling, in accordance with §§2116.6 through 2116.9.

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with §2116.2 for the following reasons:

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

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

(c) Traffic hazards caused by unusual street grades; or

(d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

Chevy Chase Plaza's parking lot is accessed from an alley off Connecticut Avenue between the subject property and The Garfield at 5610 Connecticut Avenue. The lot slopes away from Connecticut Avenue, resulting in the ground floor at the rear of the lot approximately eight feet above the grade of the parking area. Currently, the parking lot provides eighteen (18) angled parking spaces. The parking lot's trapezoidal shape and dimensions do not accommodate the typical rectangular shaped parking lot, thus decreasing the availability of additional spaces for the dental clinic. The applicant contends that the parking area can be re-striped to allow two additional spaces (providing a more efficient use of the lot), and has indicated to OP that the condominium has agreed to re-stripe the spaces.

In addition, the applicant has also proposed purchasing an abutting lot (Lot 60) at the southwest corner of the existing parking lot of Chase Plaza. This lot is currently used as a parking lot, with access to Military Road, and is zoned R-2. The location of the required spaces on this lot would have less impact on the neighborhood, since it is currently a privately owned parking lot, with some spaces leased to residents of the condominium complex at the corner of Military and Connecticut Ave.

The applicant has agreed to provide evidence of the commitment to re-stripe the lot and a lease agreement with The Garfield, or a contract indicating intent to purchase the abutting parking lot to the rear of the property, prior to the BZA hearing.

2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.

The proposed leased parking at The Garfield will be located either at the surface parking lot to rear of building, or in its underground parking lot. The proposal will satisfy the requirements of this section, since The Garfield is separated from Chase Plaza by an alley. Similarly, if the applicant acquires the abutting private parking lot, the requirement is also satisfied, since the lot is adjacent to Chase Plaza and provides easy access to Military Road and Connecticut Avenue.

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures, which they are designed to serve.

The location of the proposed leased spaces at The Garfield should provide convenient access to the clinic for clients. The surface parking area at the rear of The Garfield is approximately two hundred fifty (250) feet from the alley's entrance at Connecticut Avenue. The dental clinic is located on the ground floor and this is a short walk from the alley to the dental clinic. The Garfield's underground parking will also be convenient, since clients can access the elevator to the lobby and exit to Connecticut Avenue. Alternatively, if the rear abutting lot (Lot 60) were purchased, this option would also provide a reasonable and convenient accessory parking facility for the clinic's customers.

2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose the other conditions, as it shall deem necessary to assure the continued provision and maintenance of the spaces.

OP believes that if the applicant is able to secure a lease agreement with The Garfield as indicated in the submitted statement, then the special exception can be granted to locate the two spaces on a lot other than the one in which the principal use is located. Similarly, if the applicant acquires the abutting parking lot (Lot 60), the required spaces can be provided on this lot as a reasonable and convenient alternative to the parking lot that currently serves Chase Plaza.

VARIANCE
The Board grants variances according to the tests prescribed in § 3103.2 as follows: "[w]here, by reason of :

(a) exceptional narrowness, shallowness or shape of a specific piece of property...or
(b) by reason of exceptional topographical conditions or
(c) other extraordinary or exceptional situation or condition of a piece of property the strict application ...would result in peculiar and exceptional practical difficulties to or exceptional and due hardship upon the owner of the property, to authorize, ...a variance from the strict application so as to relieve the difficulties or hardship..."

Issues of Consideration

- **Is there an exceptional condition of the subject property that requires relief from strict application of off-street parking requirements?**

The Office of Planning visited the site and observed that the parking lot is irregularly shaped and sloped. If the parking lot can be re-striped to accommodate up to twenty spaces, the applicant will still require two additional spaces to conform to §2101.1. The size, shape and present configuration of the lot will not allow the creation of four (4) additional spaces, even if the lot is re-striped.

- **Are there exceptional practical difficulties in providing off-street parking on the property?**

While OP believes that the applicant can provide two (2) spaces if the present configuration is re-striped, the other two (2) off-site spaces may be acquired through a lease agreement with another parking facility. The applicant has proposed such a lease agreement for 2 spaces from The Garfield, which is separated from the subject property by an alley. In addition, the applicant has also proposed the purchase of an abutting lot (Lot 60), which is currently used as a private parking lot with access to Military Road. However, if the applicant fails to acquire any lease agreement to accommodate off-site parking for clients, or does not present a contingent purchase contract for the abutting parking lot prior to the BZA hearing, the claim can then be made for "exceptional practical difficulty", since the existing parking lot cannot accommodate the four (4) required spaces.

- **Can the relief sought be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map?**

The dental clinic's hours of operation and its subsequent parking needs coincide with the work cycle hours between 8:00 a.m. to 5:00 p.m. Providing the two spaces at the rear of

the building and use of the available on street parking along Legation Street and Military Road during these times should not be a substantial detriment to the public good or impair the intent, purpose and integrity of the Zoning Regulations and Map.

COMMUNITY COMMENTS

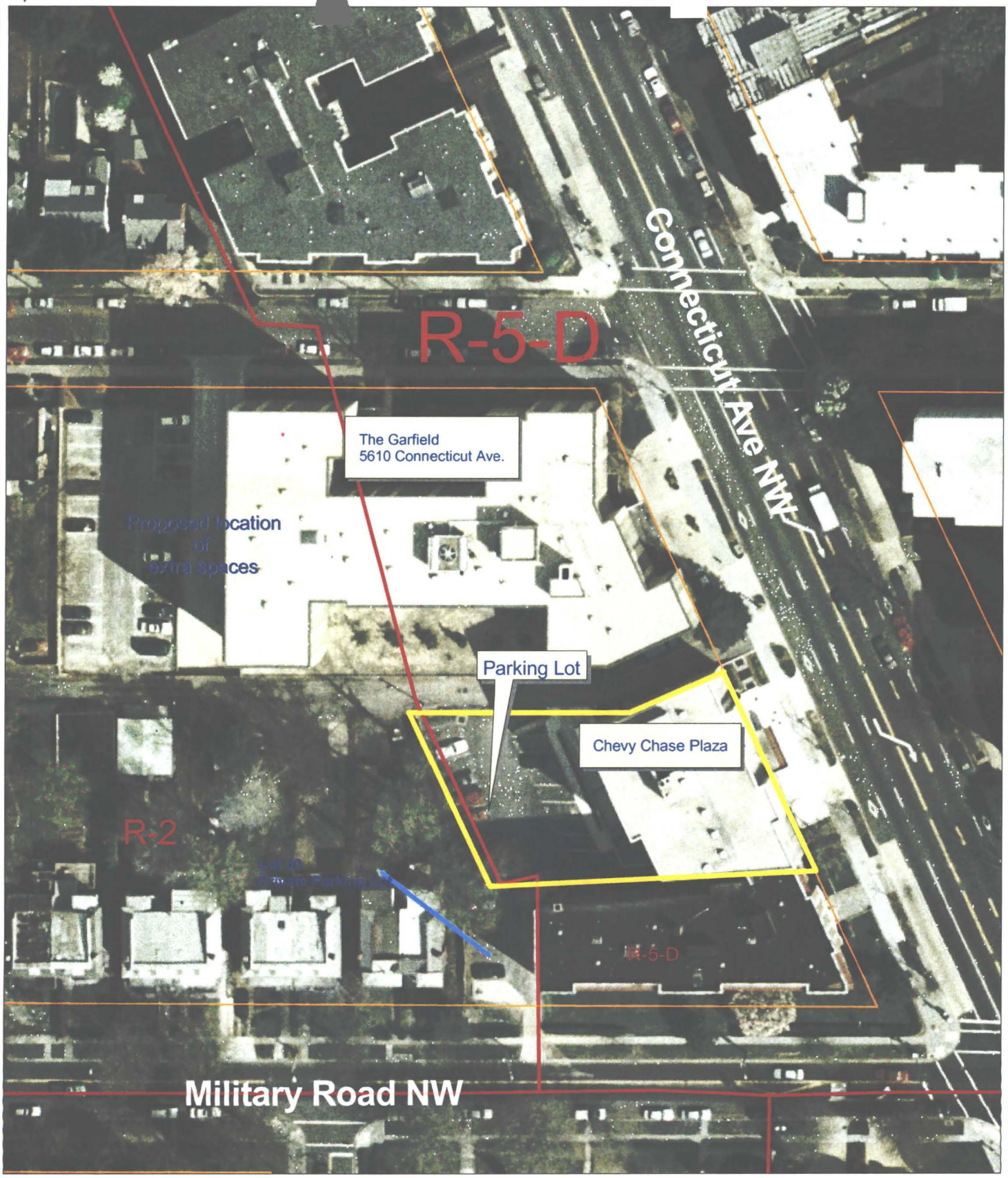
ANC 3G considered the project at their meeting of July 22nd, 2002, and unanimously voted to approve the special exception request for the parking spaces to be provided on a lot other than the lot on which the building is located.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the character of the neighborhood and the standards for special exception and variance requests. OP concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map". Alternatively, OP has no objection if the Board grants a waiver from the required four (4) spaces to two (2), if the applicant could not secure a lease option agreement with an adjacent parking facility.

The Office of Planning **recommends approval** of the following:

Special exception pursuant to § 2116 of Title 11 DCMR to permit accessory parking spaces elsewhere than on the lot upon which the building or structure they are intended to serve is located. Additionally, there is no objection to the variance request, if the applicant does not succeed in securing a lease agreement for the two additional spaces.



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. # 16913
Chase Plaza Dental Clinic

DC Office of Planning
August 6, 2002

Scale 1:794

25 0 25 50 75 100 Feet

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Attachment 1