

Before the Board of Zoning Adjustment, D. C.

Application No. 11994, of Columbia Federal Savings & Loan Association for continuation of parking lot at 4301, 4305 and 4309 Jenifer Street, N. W., Lots, 11, 12 and 13, Square 1661.

HEARING DATE: September 17, 1975

EXECUTIVE SESSION: September 23, 1975

FINDINGS OF FACT:

1. This application requests continuance of an existing parking lot located in an R-5-B Zoning District at 4301, 4305 and 4309 Jenifer Street, N. W. The parking lot was approved by the Board of Zoning Adjustment in application No. 11176 and is located at the rear of premises 5301 Wisconsin Avenue, N. W., which premises is located in a C-2-B Zoning District. The parking lot meets all the requirements of the Board's Order set forth in the conditions and complies with the requirements of the R-5-B Zone.

2. The subject parking lot contains spaces for approximately 38 automobiles, although 48 spaces were authorized by the Board in BZA Application No. 11176.

3. The lot is located immediately east of 15-foot public alley which separates the subject parking lot from premises 5301 Wisconsin Avenue, N. W. Access to the lot for which approval is sought is by way of existing public alleys having entrances on 43d Street and Jenifer Street. The lot has a 15-foot grassed buffer area between 43d Street and the parking lot and the spaces between the lot and the right of way of Jenifer Street is also maintained in grass.

4. On October 18, 1973, the subject lot was rezoned from R-2 to R-5-B and the Wisconsin Avenue frontage was changed in zoning from C-2-A to C-2-B. The depth of the C-2-B zoning is approximately 107 feet from Wisconsin Avenue. At the rear of the building known as 5301 Wisconsin Avenue, which is occupied on the first floor by the Chevy Chase Branch of the Columbia Federal Savings & Loan Association and on the second, third and fourth floors by other office uses, there are 30 accessory automobile spaces.

5. Neither the Chevy Chase Branch of Columbia Federal Savings & Loan Association nor the manager and operator of the parking lot have received any complaints concerning the operation and maintenance of the parking lot.

6. The parking lot is located in its entirety within 200 feet of an existing commercial district and is separated only by an alley from the commercial district.

7. All provisions of Article 74 are complied with in that all areas devoted to driveways, accesslanes and parking areas are paved with an impervious surface; the parking lot is designed so that no vehicle or any part thereof shall project over the lot line of any building; no other use will be conducted from the premises other than the attendant shelter; the entrance to the lot is more than 25 feet removed from a street intersection; the lighting is so arranged so that all direct rays will be confined to the surface of the lot.

8. The parking lot, located within 200 feet of the 5301 Wisconsin Avenue and approximately 107 feet away from Wisconsin Avenue with direct access from Jenifer Street and 43d Street, is convenient to the neighborhood and is designed in a manner so as not to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

9. The parking lot use primarily serves the needs of the tenants, employees and visitors of 5301 Wisconsin Avenue. The 30 spaces located immediately to the rear of 5301 Wisconsin Avenue are not adequate or sufficient to serve the needs of the tenants, employees, customers and visitors of the building. In an average month, the subject parking serves 2,295 Columbia Federal customers, 14 all-day monthly parkers for the month including three monthly parkers from Columbia Federal, and 450 public parkers. On a 21-day month for the in/out parkers, this would amount to an approximate five-time turnover for the 24 in-and-out spaces. See Affidavit of John Tsilis.

10. On a peak day, which is during dividend periods and

the first ten (10) days of each month and during the peak periods, which would fall between 10:30 to 2:00, Monday through Friday, and 4:00 to 6:00 on Friday, approximately 201 automobiles would use the subject lot. The estimated maximum parking use of the lot during the peak periods at any one time would be approximately 35-38 spaces. See Affidavit of Gordon Davis, Manager, Chevy Chase Branch, Columbia Federal Savings & Loan Association. On an average day on the lot, only three (3) to four (4) per cent of the parking lot users are other than employees, tenants or visitors and patrons of tenants in 5301 Wisconsin Avenue, N. W. The lot continues to serve principally the uses of 5301 Wisconsin Avenue, N. W.

11. The Department of Transportation filed a report stating that it had no objection to the continuation of this parking lot.

12. The subject lot was constructed in accordance with the Order of the Board in Application No. 11176 subsequent to the change of zoning on the lot from R-2 to R-5-B.

13. The lot has been maintained in a clean manner including daily and continuous policing. The lot is used during normal working hours from 8:00 a.m. to approximately 7:00 p.m.

14. Located in 5301 Wisconsin Avenue other than Columbia Federal Savings & Loan are tenants including Groover & Cooley, Builders, Harvey L. Huey, Certified Public Accountant, Manhattan Life Insurance Company, SAN-D Division of NRI, Employment Agency, and S. A. Young, Real Estates.

15. By virtue of the lot, traffic circulation in the area has been improved in that customers no longer are forced to double park or to use short-term curb parking, which would add to congestion during rush hours. The lot is the only lot which provides some public parking in the subject square.

16. The application was filed under Section 3101.48 of the Zoning Regulations, which special exception provision is incorporated in the R-4 District by Section 3104.41, which section in turn is incorporated in the R-5-B District under Section 3105.41 of the Zoning Regulations. Section 3101.48

is an alternative provision for parking lots in the R-5-B District to Section 3104.44 and Section 7205.3 of the Zoning Regulations.

17. The Municipal Planning Office submitted a report to the Board recommending that the application be denied. This recommendation was based upon a single field survey of the existing parking lot between 9:00 and 9:30 a.m. on Friday, September 12, 1975. Such inspection was made at a non-peak hour with regard to month, day and is not reflective of the actual use of the property. Additionally, the Municipal Planning Office relied upon a proposed Sectional Development Plan for Friendship Heights which has not been before the Zoning Commission for public hearing and has not been erected by the Zoning Commission. Consequently, the second basis for the MPO recommendation is not germane. Finally, MPO relies upon its statement that "since this area is well served by mass transit, there would appear to be no need for all-day parking at this location." This planning conclusion is based upon no underlying evidence other than opinion of the Municipal Planning Office. The Board does not believe that it necessarily follows that when an area is served by mass transit there is no need for all-day parking.

18. There was other opposition to the application including the Friendship Neighborhood Coalition and two persons who live in the general area. The general thrust of the opposition was that parking lots should not be permitted in residential area.

CONCLUSIONS OF LAW*

It is the conclusion of this Board that the applicant meets the requirements of Section 3101.48 of the Zoning Regulations based upon the findings made above. The Board concludes that there is ample testimony showing both that the lot is convenient to the area as well as the alternative standard of being necessary. There is no evidence of any type that the lot has had any detrimental effect on the area.

Further, in the judgement of the Board, the grant of this special exception will be in harmony with the general purpose and intent of the Zoning Regulations as indicated by upzoning of the property in October of 1973, which continued the strip zoning

pattern along Wisconsin Avenue. Finally, the grant of this application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. There are numerous other similar parking uses in the area and the subject lot does not abut any residential use. Further, no complaints have been received concerning the operation and maintenance of the lot.

CONDITIONS:

1. Applicant shall comply with the requirements of Article 74.
2. This application is granted for a period of five (5) years.

ORDERED:

That the application for permission to continue the existing parking lot at 4301, 4305, 4309 Jenifer Street, N. W., Lots 11-13, Square 1661 be GRANTED for a period of five (5) years.

VOTE:

4-1 (Lilla Burt Cummings, Esq., dissenting).

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

ATTESTED BY: _____

James E. Miller
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: December 29, 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.