

BEFORE THE BOARD OF ZONING ADJUSTMENT D. C.

Application No. 12105, of Whitehurst Associates Limited Partnership, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 4402.35 to permit warehouse use and sub-section 4405.2 to reduce required off-street parking for retail use not exceeding 15,000 square feet in the W-2 district at premises 3401 K Street, N.W, (Square 1183, Lot 813).

HEARING DATE: April 21, 1976

DECISION DATE: April 21, 1976 (from the Bench)

FINDINGS OF FACT:

1. The subject building was constructed in 1926 as a warehouse building under the industrial zoning classifications. The building has been used continuously since 1926 for warehouse and retail purposes.

2. On November 21, 1974, the Zoning Commission changed the zoning of the subject property from M to W-2. The W-2 classification permits retail and office use as a matter of right and warehouse use as a special exception. At the time of the rezoning of the property to W-2, the building was used in its entirety pursuant to certificates of occupancy for retail purposes wherein no off-street parking was required by virtue of the arrangement within the building of spaces less than 2,000 square feet each. Since the building was then used for retail purposes in its entirety, the warehouse uses could not be continued as non-conforming uses. Under the W-2 zone, the Zoning Administrator has ruled that the 2,000 square foot exemption for each retail use does not apply; and, consequently, unless the retail uses were in the identical configuration as the previous certificates of occupancy, the W-2 requirement of one space for each 750 square feet will apply.

3. The warehouse building occupies almost all of its lot and there are no off-street parking spaces provided on the property, although there are loading berths and docks.

4. In essence, this application seeks permission to continue the same type of uses which have existed in the building and for which the building was designed in 1926. The owner estimates that a maximum of 15,000 square feet of retail space will be utilized.

5. The existing structure is a brick, two-story warehouse building containing 30,000 gross square feet. It has direct access from K Street below the Whitehurst Freeway and from 34th Street, which leads to a dead end at the rear of the subject property.

The building is of similar construction to other buildings located in the vicinity and is relatively isolated and removed from other retail uses, being adjacent to Key Bridge near the end of K Street, N.W.

6. The proposed use will comply with the standards of external effects of the C-M districts, since the use does not include any industrial or manufacturing uses and the uses are proposed within the building. To the south is existing K Street and parking area south of K owned by the District of Columbia. To the north is the C & O Canal and land owned by the Federal Government. To the east is a vacant lot devoted to parking and owned by Corson & Gruman Co.. To the west is the Whitehurst Freeway.

7. The use will not result in dangerous and otherwise objectionable traffic conditions. Access to the property by vehicles is from K Street with direct access within the 34th Street right-of-way to the north of the building. K Street is not a through street at this area and there are very few uses west of the subject property. There are also very few uses east of the property which would generate traffic with the single exception of the new Dodge Center Office building at the intersection of Wisconsin Avenue and K located over 1,500 feet away.

8. There is adequate off-street parking for trucks and other service vehicles located at the northeast corner of the building and within the building at the K Street frontage. No outdoor storage of materials is proposed.

9. Under Section 4405.2, the Board is authorized to reduce the minimum number of required parking spaces subject to the provisions of Sub-section 7203.2 and Sub-section 7203.3 of the Zoning Regulations. The applicant requests a maximum reduction of off-street parking to permit 15,000 gross square feet of retail facilities. The Zoning Regulations would require twenty parking spaces for 15,000 square feet of retail space. The applicant estimates a maximum of 15 employees for the retail use with visitors at any one time of approximately ten. Thus, the total maximum number of persons on site relating to the retail use would be twenty-five persons.

10. There is a great deal of off-street parking provided in commercial parking lots in the area. Approximately 900 feet away to the east on the south side of K Street is Harbor Parking Lot facility which provides in excess of 300 parking spaces, of which approximately 50 are normally vacant. Additionally, across 34th Street to the east there are parking spaces and on M Street, which is accessible by pedestrian bridge over the C & O Canal, there are parking spaces within easy walking distance.

11. By virtue of the limited use of retail in the building, it is not likely that there would be any traffic congestion in the neighborhood.

12. The proposed reduction is in keeping with the spirit and purposes of the W-2 Zoning Regulations.

13. The representative of the Georgetown Citizens Association appeared at the public hearing offering no objection to the grant of this application provided the owner added landscaping at the rear of the building on the C & O Canal side and did not utilize neon lighting for signs.

14. The Board received the report of the Municipal Planning Office dated April 20, 1976, which recommended that this application be granted as consistent with the requirements of Paragraph 4402.35 and Sub-section 4405.2 of the Zoning Regulations. Pursuant to authority granted by Section 1.3 of the Supplemental Rules of Practice and Procedure, the Chairman waived Section 3.41 of the rules to receive the MPO report even though it did not meet the five day requirement.

CONCLUSIONS OF LAW AND OPINION:

The Board is of the opinion that the applicant has met the requirements of Paragraph 4402.35 and Sub-section 4405.2 of the Zoning Regulations and, therefore, is entitled to the grant of the special exceptions. Additionally, the grant of the special exceptions will be in harmony with the purposes and intent of the Zoning Regulations and will not adversely affect surrounding properties. The W-2 zone was created in part to reduce vehicular congestion and the reduction in parking will tend to be in accordance with this purpose. It is therefore Ordered that this Application be GRANTED, subject to the following conditions:

1. The applicant shall cause landscaping to be installed at the rear of the property along the C & O Canal.
2. The applicant shall not permit neon signs either on the interior or exterior of the building to be utilized.

VOTE: 3-0 (Leonard L. McCants, William S. Harps and Martin Klauber to GRANT, Lilla Burt Cummings and William F. McIntosh not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER

Acting Secretary to the Board

Application No. 12105
Page No. 4

THIS 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.

FINAL DATE OF THIS ORDER: MAY 10 1976