GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12500 of American Oil Company, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5102.41 to modify an existing gasoline service station previously approved by the Board in the C-2-A District at the premises 2501 Martin Luther King, Jr. Avenue, S.E., (Square 5861, Lot 88).

HEARING DATE: October 19, 1977
DECISION DATE: December 6, 1977

FINDINGS OF FACT:

1. The subject site is located at 2501 Martin Luther King, Jr. Avenue, S. E. and has frontage on both Martin Luther King, Jr. Avenue and Howard Road, S.E. The area of the site is approximately 20,226 square feet.

2. The site is currently improved with an existing gasoline service station previously approved by the BZA in Cases No. 5988 and 5989. The station operates under Certificate of Occupancy No. B-102014, dated April 21, 1977.

3. The existing station has three pump islands, each containing two pumps. The existing station also has three service bays, which are not now being used. The service bays have not been used since February 21, 1977, when the previous operator of the station was killed in a robbery.

4. The applicant proposes to renovate the station by demolishing the existing building and replacing it with a secure kiosk, by rearranging the existing pump islands and by installing a canopy over the pump islands.

5. There will be three pump islands in the proposed arrangement, with a total of eighteen gas dispensers.

6. The station at present has two curb cuts each on Martin Luther King, Jr. Avenue and Howard Road. The renovated station will maintain the same curb cuts.

7. The modification is being made to meet the gasoline needs of the motoring public and to improve the operational security of the station. The station will continue to be open 24 hours daily.

8. There is an existing buffer area on the west side of the site which is twenty-five feet wide. This buffer area is to be continued.

9. No portion of the existing or proposed station is or will be within twenty-five feet of a residence district.

10. No vehicular entrance or exit is or will be connected with the street at a point closer than twenty-five feet to a residence district.

11. No driveway of any entrance or exit is located any closer than twenty-five feet to a street intersection, measured from the intersection of the curb lines extended.

12. The existing station, over the past years, has averaged approximately 95,000 gallons of gasoline a month, serving approximately 200 vehicles per day. With the modernization to the station, a modest increase to 100,000 gallons per month is expected. The highest volume of sales is between 4:00 and 8:00 p.m. Both Howard Road and Martin Luther King, Jr. Avenue furnish adequate capacity and site distance for safe ingress and egress to and from the site.

13. A grass area covering approximately forty per cent of the existing station will continue. The new canopy to be provided will be of a low profile design with indirect lighting. The lighting will not be visible outside of the commercial area and will be on after many of the buildings and offices in the area will be closed, thus providing a security benefit. The relocation of the pump islands will improve access to and circulation within the station.

14. No grease pits or hoists will be located on the premises.

15. The modifications to the station have been designed in such a manner as to not interfere with traffic flow along Martin Luther King, Jr. Avenue, S.E. and Howard Road, S.E.

16. The D. C. Department of Transportation by report dated October 4, 1977 reported that no adverse effects had been identified from the application.

17. There was no report from Advisory Neighborhood Commission No. 8-A.

18. The District of Columbia Council has passed a law, cited as the Retail Finance Station Act of 1976 (Law 1-123) Section 5-301 of which prohibits full service retail service

stations from being converted to a non-full service facility until January 1, 1979. This law became effective on April 19, 1977.

CONCLUSIONS OF LAW AND OPINION

The Board concludes that the proposed station meets the definition of a gasoline service station, as contained in Section 1202 of the Zoning Regulations, and can be approved. The Board concludes that in this application for a special exception, the applicant has demonstrated that it meets all of the conditions specified in both Paragraph 5101.41 and the relevant portions of Article 74. The Board further concludes that the physical changes proposed in the application will not change the present operational characteristics of the station, and that the services provided by the station will be the same as those provided for the last six months. The Board concludes that the moratorium provisions of Law 1-123 are not applicable to this particular service station, since this station was not operating as a full service facility on the effective date of the law. In so concluding, in regard to this application, the Board takes no position on the question of whether the provisions of Law 1-123 are applicable to BZA proceedings. The Board concludes that the granting of the requested exception 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 in accordance with those Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 3-2 (Walter B. Lewis, William F. McIntosh and Chloethiel Woodard Smith to grant, Leonard L. McCants and Charles R. Norris opposed)

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 MAR 1978

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.