

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12567, of the Metropolitan Memorial United Methodist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to use an existing Church parking lot for parking by students and faculty of American University in the R-5-A District at the premises 3401 Nebraska Avenue, N.W., (Square 1601, Lot 816).

HEARING DATE: January 25, 1978
DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., one block southwest of Ward Circle. It is known as 3401 Nebraska Avenue, N.W., and is in an R-5-A District.
2. The property is located directly across Nebraska Avenue from the campus of American University. The Metropolitan Memorial United Methodist Church and related structures are adjacent to Lot 816. Across New Mexico Avenue from the subject site is a parking lot which is used by American University. It has a capacity of approximately 678 cars. South of the existing American University parking lot is the site of the Kettler Brothers development which is currently under construction and will contain approximately 150 townhouse units and 233 parking spaces when completed. Across Newark Street from the church, is the Horace Mann Public School. The neighborhood to the south of this site (generally between Nebraska and New Mexico Avenues) is residential. A mixture of single family detached and semi-detached units are the predominant housing type.
3. The subject parking lot 816 is owned by applicant, the Metropolitan Memorial United Methodist Church. The lot is now used by the church for church related parking, to accommodate students and faculty of American University without approval from this Board and by non-university persons without approval from the church.
4. The parking lot has a capacity for approximately one-hundred and eight cars. It is paved, lined and well maintained.

5. There are two entrances to the lot, one from New Mexico Avenue, N.W., and another from Newark Street, N.W. Both access points can be closed at present with the use of chains.

6. The applicant indicates that the lot will be for the exclusive use of the church and students and faculty of American University. It will not be used as a commercial parking lot. The students and faculty of American University will use the lot only on weekdays and only when the lot has excess capacity.

7. The University proposes to allow only those students and faculty members who have paid the University's parking registration fee to use this lot.

8. The University will provide a guard house and guards to supervise the lot during those periods when the lot will be used by students and faculty. The applicant will receive no monetary compensation for the use of its lot from American University.

9. There will be no commercial advertising signs on the lot.

10. The New Mexico Avenue entrance, which is approximately fifty feet from the intersection of Nebraska and New Mexico Avenues will be closed during the weekdays leaving only the Newark Street entrance open.

11. The Municipal Planning Office, by report dated January 20, 1978, recommended that the application be approved provided the entrance from New Mexico Avenue be closed during peak traffic periods, that the use of the subject lot by American University be restricted to those periods when classes are in session and that during that period the University provide adequate control.

12. The application was forwarded to the Department of Transportation on December 19, 1977, for its review and report. By report dated February 6, 1978, the Department stated that no adverse impacts were identified and recommended approval.

13. Advisory Neighborhood Commission 3D, at the public hearing, recommended first that approval of the application should be deferred until adjacent blocks receive resident parking permits for which they have petitioned; secondly, that no decision be made until the relation of the subject square to the American University's campus plan be clarified and the D. O. T. reports on the impact of the subject special exception on traffic and parking congestion on nearby commuter and residential streets; and thirdly, if approval is warranted no fee shall be charged to the use of the lot.

14. As to the concerns of the ANC, the Board finds that deferring a decision on the application until the residential permit parking program is implemented in this area is unwarranted. Some of the streets in the area are already impacted with parking related to American University, and in fact, this lot would serve to provide some measure of relief by opening up additional off-street parking spaces. The Board notes that the Department of Transportation did report, and that it identified no adverse impacts from this proposed lot. The Board finds that the issue of whether a fee should be charged for use of this lot is a policy to be determined by American University as an administrative action. It is not a function of this Board to take on this responsibility of the University.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that all the provisions of Article 74 of the Zoning Regulations have been complied with, and that there are no commercial advertising signs on the property. The Board concludes that the approval of this application will not adversely affect the present character or future development of this area, as it will help relieve parking pressure in the area. The lot is exceptionally well maintained at present and it will be reasonably necessary and convenient to both the Church and American University.

The Board concludes that the granting of this special exception is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Permit shall issue for a period of three (3) years which shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.

- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. 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.
- g. 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 structures or otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-2 (Walter B. Lewis, having read the record, Chloethiel Woodard Smith and Charles R. Norris to GRANT, William F. McIntosh and Leonard L. McCants to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

9 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.