

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12693, of the Board of Trustees of the American University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in the R-5-A District at the premises 3501 Nebraska Avenue, N. W., (Square 1601, Lot 803).

HEARING DATE: July 19, 1978

DECISION DATE: August 2, October 4 and November 1, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-5-A zone district at 3501 Nebraska Avenue, N. W., on the southeast side of Nebraska Avenue between Massachusetts and New Mexico Avenues, N. W., across from American University.

2. The subject property is presently operating as a parking facility pursuant to this Board's previous Order 12145, dated July 28, 1976.

3. The applicant proposes the continuation of the subject premises as a parking facility for a period of five years.

4. This property with space for approximately 688 vehicles, has operated as parking for students, faculty and staff of the American University for approximately eighteen years. It also serves as parking for the United Methodist Church, located immediately to the south at Nebraska and New Mexico Avenues, N. W.

5. In the Board's previous Order No. 12145, dated July 28, 1976, finding of fact number four read as follows: The subject property is under contract for sale by American University to the Methodist Home as of July 1, 1976, who plans to continue present use of a parking lot. That finding is incorrect and should have read as follows:

"The subject property is under contract of sale as of July 1, 1976 to be purchased by the American University from the Methodist Corporation. The University plans to continue the present use of a parking lot."

6. The property was not included in the approved campus plan for the University because it was not owned by the University at the time the plan was approved.

7. The property is bounded on three sides by public streets, with access to Nebraska and New Mexico Avenues. The fourth side of the lot is adjoined by property owned by Kettler Brothers, which until recently was vacant and undeveloped. A townhouse project, also approved by the Board, consisting of 149 units is under construction on the site at present.

8. The Board finds that it is necessary and desirable to protect the adjoining residential townhouses from potential adverse effects of this parking lot. Screening and landscaping to cut down on noise and light at night and redirection of existing light on the parking lot are necessary.

9. The Department of Transportation, by memorandum dated July 14, 1978, reported that it had no objection to granting the application.

10. Advisory Neighborhood Commission 3-D, by letter dated July 17, 1978, supported the application and recommended that the Board include as conditions on the granting of the application all of the normal requirements for parking lots as well as the following:

- a. All parts of the lots shall be kept free of refuse or debris and shall be paved and landscaped adjacent to adjoining residences.
- b. Any lighting used to illuminate the parking lot shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

11. There were letters of support from adjoining as well as surrounding property owners.

12. There was no opposition to the granting of this application.

13. At its public meeting held on August 2, 1978, the Board tentatively approved the application for a period of five years, subject to submission by the applicant and approval by the Board of a final landscaping and site plan showing the following:

- a. Landscaping and screening along the edge of the property which abuts the Kettler Brothers project.
- b. Modification of existing lighting to direct light toward surface of lot and away from surrounding property.
- c. A wall or berm to minimize noise for adjacent property.

14. On September 20, 1978, the applicant submitted a final landscaping and site plan, which is marked as Exhibit No. 25 of the record. A copy of that plan was served on the Advisory Neighborhood Commission.

15. By letter dated October 1, 1978, Advisory Neighborhood Commission 3-D recommended that the Board require the applicant to plant "landscaping and screening to include evergreen trees and shrubs along the southeast edge of the property which abuts the Kettler Brothers project."

16. The Board reviewed the proposed plan at its public meeting held on October 4, 1978, and determined that the plan as submitted actually represented a map of what is presently existing on the lot and not a plan. The Board directed the applicant to submit a plan showing the following:

- a. The design and height of the brick wall along the southeast edge of the property adjacent to the Kettler Brothers site.
- b. A design showing how the existing lighting is now being modified to direct the light toward the surface of the lot and away from the surrounding property.
- c. Actual landscaping in the area now devoid of planting.

In addition the Board requested a statement from Kettler Brothers that the wall will be built and as to the adequacy of the wall to protect the houses being developed.

17. On October 19, 1978, the applicant submitted a revised final site and landscaping plan, marked as Exhibit No.

30 of the record. The applicant also submitted a letter from Kettler Brothers, marked as part of Exhibit No. 29 of the record, as required by the Board.

CONCLUSIONS OF LAW AND OPINION

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the continuation of this parking facility will not create any dangerous or otherwise objectionable traffic conditions. The Board concludes that the applicant has met the requirements of the provisions of Article 74, the present character and future development of the neighborhood will not be adversely affected. The lot is necessary and convenient to the University which it propose to serve.

The Board concludes that the revised final site and landscape plan has been designed in such a manner as to provide adequate protection from adverse effects for the adjoining residential property now under construction with townhouses.

The Board concludes that in its decision it has accorded to the issues and concerns of the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED subject to the following conditions:

a. The site plan for the parking lot shall be as shown on Exhibit 30 of the record.

b. The new trees to be planted as shown on Exhibit 30 of the record shall be white pines with a minimum initial height of eight to ten feet.

c. Approval shall be for a period of five years from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.

d. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

e. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.

f. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

g. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

h. 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.

i. 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 structure is otherwise permitted in the zoning district in which the parking lot is located.

j. 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: 4-0 to grant tentative approval on August, 1978 (Chloethiel Woodard Smith, Charles R. Norris, Theodore F. Mariani and William F. McIntosh to grant, Leonard L. McCants not present, not voting).

3-0 to approve final plans on November 1, 1978 (Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to approve, Theodore F. Mariani and Leonard L. McCants not present, not voting).

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

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

FINAL DATE OF ORDER: 8 DEC 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.