

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12916 of Exxon Company, U.S.A., 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 in the C-2-A District at the premises 1600 North Capitol Street, N.W., (Square 3100, Lots 1,34,35,36 and 47).

HEARING DATES: April 18, May 23, and November 14, 1979
DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of North Capitol Street and Florida Avenue, N.W. and is known as 1600 North Capitol Street, N.W. The subject site has frontage on North Capitol Street, Q Street and Florida Avenue, N.W. It is in a C-2-A District.

2. The area of the site is approximately 19,000 square feet. It is improved with an existing gasoline service station previously approved by the Board of Zoning Adjustment in Case Nos. 6269-6270-6271-6272, April 12, 1961. The station operates under Certificate of Occupancy No. B37341, dated October 2, 1962. The subject property has been the site of the gasoline service station use for approximately forty years.

3. The applicant has acquired Lot 1, Square 3100, located adjacent to the west of the subject property. It is proposed that the existing vacant structure on Lot 1 and the existing gasoline station will be demolished in order to modernize and enlarge the existing facility.

4. The property was used previously as a full service station with car repair facilities. The car repair facilities were discontinued in 1969 and the station is now being used as a self-service facility. The applicant's proposal calls for the continued operation of a less-than-full-service station.

5. The total subject site is located in the C-2-A zoning District which extends along North Capitol Street and Florida Avenue at this location. The C-2-A District abuts an R-4 District to the north and northwest.

6. The existing uses along North Capitol Street to the north of the subject property are commercial. The existing uses along Florida Avenue to the west of the property are mostly residential row type structures. The structure immediately to the north, 1620 North Capitol Street, contains a custom tailoring facility and what appears to be a residence. The structures along Quincy Place are row type structures. Diagonally across the street from North Capitol Street is a fast food facility. Across the street from Florida Avenue are commercial uses including a liquor store and a drug store.

7. The proposed gasoline service station will have four new underground storage tanks, including one tank for diesel fuel, which will be located on the northern side of the site. Three parallel pump islands and a kiosk will be located on the portion of the site opposite Q Street. A new customer service building with rest rooms will be located near the western boundary of Lot 1. No grease pits or hoists will be located on the premises.

8. The new canopy to be provided will be of a low profile design, with indirect lighting, which will not be visible from outside of the commercial area.

9. There will be a five foot wide grass area along the northern and northwest boundary of the site with a provision for a reinforced concrete retaining wall on which a fence will be erected along the top. This wall abuts the rear yards of the row houses on Quincy Place and Florida Avenue.

10. In accordance with Paragraph 5101.41 and Article 74 of the Zoning Regulations:

- (a) This property is separated from the adjacent R-4 residential district to the north and northwest by a public alley.
- (b) Access to the station is from North Capitol Street and to Q Street. The plans submitted to the Board originally called for continuing use of the three existing curb cuts and the addition of a curb cut on Florida Avenue as a result of the purchase of Lot 1.
- (c) The application was referred to the D.C. Department of Transportation for review and report on June 1, 1979.
- (d) Plans for the proposed rebuilding indicate that much of the existing landscaping will be improved upon.

11. The Office of Planning and Development by report, dated July 9, 1979, recommended conditional approval of the application. The conditions recommended by the Office of Planning and Development were that a seven foot wooden stockade fence be provided on top of the concrete wall on the northern and northwestern side of the site instead of a chain link fence as this would prevent adverse impact on the abutting residential properties, and that the two middle curb cuts shown on the site plan be eliminated so that there would be only one curb cut on North Capitol Street and one curb cut on Florida Avenue.

12. The Department of Transportation, by report dated July 11, 1979, recommended conditional approval of the application provided the following conditions were imposed in an effort to improve traffic circulation: (a) that the southernmost driveway on North Capitol Street be eliminated because it is duplicative, is an unnecessary additional interference to smooth traffic flow on the street, and is within a designated intersection; and (b) that the existing driveway on the southbound North Capitol Street connection to westbound Florida Avenue, Q Street, be eliminated because the proposed new driveway would replace this existing driveway at a more preferable location in terms of sight distance.

13. The applicant concurred with the Office of Planning and Development's recommendation for a wooden stockade fence, but objected to the Department of Transportation's recommendation to eliminate two curb cuts. Because the applicant and the Department of Transportation were unable to resolve their differences, the Board set this matter for further hearing on November 14, 1979. The further hearing was limited to the issues of (a) the configuration of the driveways and (b) the impact of the remodeled gas station on surrounding properties, including proposals for landscaping and screening.

14. Prior to the further hearing, the Department of Transportation, by report dated October 2, 1979, modified its original recommendation on the basis of additional information provided by the applicant that the two proposed driveways on North Capitol Street are appropriate.

15. At the further hearing testimony was given by the applicant and a representative of the Department of Transportation. The applicant testified that elimination of the one driveway on Q Street would cause circulation problems for traffic entering and leaving the station on Florida Avenue. The representative of the Department of Transportation reiterated its position that it was necessary to eliminate the curb cut on Q Street.

16. Following the further hearing in this matter, the Department of Transportation, by memorandum dated November 19, 1979, informed the Board that the position stated in its memorandum of October 2, 1979 regarding the elimination of the existing driveway on Q Street was acceptable to the applicant provided that the design of the proposed driveway on Florida Avenue was revised to incorporate separate ingress and egress drives. The Department of Transportation enclosed a drawing of a suggested driveway treatment drawn on a portion of applicant's plot plan. The Department of Transportation further stated that further design details would be determined when an application was made for a driveway permit. The applicant, by letter to the Board, dated November 28, 1979, advised the Board that it concurred in the revised design attached to the Department of Transportation's memorandum of November 19, 1979.

17. There was no recommendation from Advisory Neighborhood Commission 5C.

18. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the requirements of Paragraph 5201.41 of the Zoning Regulations have been met by the applicant. In accordance with Paragraph 5201.41, this site is separated from the adjacent residential district by a public alley and all driveways are more than twenty-five feet of the intersection where Florida Avenue, North Capitol and Q Streets meet. The Board further concludes that the proposed rebuilding will not result in dangerous or otherwise objectionable traffic conditions, since there will be three access points. The Board also concludes that the granting of the requested special 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. Accordingly, it is ORDERED that this application is GRANTED subject to the following conditions:

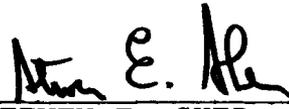
- a. A seven foot wooden stockade fence shall be provided on top of the concrete wall on the northern and northwestern sides of the site, such as shown on Exhibit No. 30A of the record.
 - b. The existing driveway on the southbound North Capitol Street connection to westbound Florida Avenue shall be eliminated and the driveway configuration on Florida Avenue may be modified, as shown on Exhibit No. 46 of the record.
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VOTE: 5-0 (John G. Parsons, Charles R. Norris, Connie Fortune,
William F. McIntosh and Leonard L. McCants to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

4 FEB 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.