

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12987, of Reid A. Dunn and Christian C. Dutilh, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.45 to use the subject premises as a parking lot to serve the apartment house at No. 7 Logan Circle, N.W. (Square 241, Lot 89).

HEARING DATE: July 18, 1979
DECISION DATES: August 8 and September 5, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District on the west side of Kingman Place between P and Q Streets, N.W.
 2. The subject property is presently unimproved. The surface is covered with asphalt, and the property is marked for three parking spaces. There is no Certificate of Occupancy authorizing use of the lot for parking. There are cars illegally parked on the lot at present.
 3. The applicants are presently renovating the building known as No. 7 Logan Circle, located on Lot 82 in Square 241, the rear of which is directly across Kingman Place to the east. That building formerly had a certificate of occupancy authorizing twelve units. The applicants have submitted plans for a building permit, a copy of which is marked as Exhibit No. 33 of the record, which propose sixteen units in the renovated building. One of the applicants further testified that if sewer allocations become available, the building plans would be modified to provide for eighteen units.
 4. Eighteen units would be an increase of six over the number authorized in the last certificate of occupancy. Under Sub-section 7201.3, parking must be provided for that increase of six units, at a rate of one space for every two dwelling units in the R-5-B District. The applicant must therefore provide three parking spaces for the building at No. 7 Logan Circle.
 5. The plans for the permit, marked as Exhibit No. 33, show three spaces provided in the basement of the building at No. 7 Logan Circle, with access directly from Kingman Place. One of the applicants testified that if the present application were denied, the building would be completed in accordance with the plans submitted.
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6. In this application, the applicants are requesting to use the lot at 1500 Kingman Place for the three required accessory parking spaces for No. 7 Logan Circle, as an alternative to placing them in the building as shown on the plans. Both properties are in the same square.

7. The lot at 1500 Kingman Place is sixteen feet wide and sixty-five feet deep. The applicants submitted two alternative parking layout and screening plans marked as Exhibit No. 34 of the record. Both plans show three parking spaces, and both would require a curb cut on Kingman Place adjacent to the existing public alley. That public alley is nine feet wide, abuts the subject site on the south and would serve to provide access to all or some of the proposed parking spaces. The parking lot would meet all of the conditions of Article 74.

8. The applicants contend that to provide the required parking in the basement of No. 7 Logan Circle would be economically impracticable. One of the applicants testified that the cost to provide such parking would be \$30,000 to \$40,000. The removal of the parking spaces would not be used to increase the number of units, but would be used to increase the size of two of the units.

9. One of the applicants further testified that there is no place on the lot to locate a parking space because the building occupies nearly 100 per cent of the lot.

10. Under cross-examination, one of the applicant's testified that the lot at 1500 Kingman Place cost \$28,000, slightly less than the estimated cost of providing the parking in the building.

11. The property is abutted on the north by a semi-detached apartment building. The south wall of that building which abuts the lot line has no windows in it. There are other windows in that building and in other buildings which immediately surround the site which would look out on the parking lot.

12. The Office of Planning and Development, by memorandum dated July 10, 1979 and by testimony at the hearing, recommended that the application be granted with conditions. In part, the OPD reported that the Joint Committee on Landmarks had "approved the use of the subject lot for parking as well as in the alternative the installation of three automobile garage doors to the rear of No. 7 Logan Circle." Cross-examination, and further testimony revealed that the Joint Committee had not taken such actions. The OPD further reported that "the installation of three garage doors to the rear of No. 7 Logan Circle on Kingman Place would, in OPD's opinion, be less desirable from an aesthetic viewpoint and traffic aspect than the conditional approval of the proposed plan, which will not eliminate scarce on-street parking spaces." The Board finds that aesthetic judgements are not at issue in this case. Rather, the applicant must demonstrate

compliance with the requirements of Sub-section 8207.2 and Paragraph 3104.45.

13. The application was referred to the Department of Transportation, on May 22, 1979. No report from the Department had been received by the Board when the record closed at the end of the hearing on July 18, 1979.

14. Advisory Neighborhood Commission 2C, by testimony at the hearing confirmed by written letter dated July 26, 1979, opposed the application for the following reasons:

- a. The residents of Kingman Place and surrounding streets are strongly opposed to any parking use on lots facing on the street.
- b. The applicants have other alternatives to supply parking for No. 7 Logan Circle.
- c. The subject lot would be precluded from residential construction if it were "locked in" to parking requirements for additional units in No. 7 Logan Circle.
- d. The use of the subject lot for parking is not compatible with the residential character of the block.
- e. The lot now constitutes a public nuisance and is used for public drinking, prostitution, and other illegal purposes and is detrimental to the neighborhood.

The Board concurs with the reasoning of the ANC.

15. The Logan Circle Community Association and other individual resident and property owners from the surrounding area opposed the application for the same reasons cited by the ANC. In addition, the persons in opposition stated that these lots could not be screened from the view of neighboring residents, that the lot is inconsistent with the Logan Circle Historic District and that the lot would tend to attract litter. The Board agrees with such reasoning.

CONCLUSIONS OF LAW AND OPINION:

The applicants request a special exception under Paragraph 3104.45. As to the conditions which the applicants must meet in order for the application to be granted, the Board concludes that both the parking lot and the use it serves are in the same square. The Board concludes that the lot will comply with applicable provisions of Article 74. The Board concludes that it submitted the application to the Department of Transportation as required. The Board notes that DOT did not file a report.

The Board concludes that the applicants have not demonstrated compliance with Sub-paragraph 3101.4103. In particular, the Board concludes that the applicants have not and cannot demonstrate that "it is economically impracticable or unsafe to locate such parking spaces within the principal building or on the same lot on which such building or use is permitted." The Board notes that the applicants have submitted plans to the District of Columbia Government to construct parking spaces in the building at No. 7 Logan Circle. Absent approval from the Board, one of the applicants testified that the building would be completed in accordance with those plans. The applicant further testified that the cost of acquiring the lot at 1500 Kingman Place was only slightly less than the cost of providing parking in the building. For these reasons, the Board concludes that the applicant cannot meet the requirements of Sub-paragraph 3101.4103.

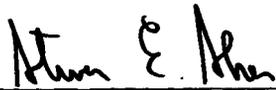
The Board further concludes that the testimony of the Advisory Neighborhood Commission and other persons appearing in opposition is worthy of serious consideration. The lot has been shown to be a public nuisance and to have serious adverse effects in the past. The lot is out of character with the predominantly residential use along Kingman Place. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. The Board further concludes that the granting of this application will not be in harmony with the general purpose and intent of the Zoning Regulations and maps, and will tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

It is therefore ORDERED that the application be DENIED.

VOTE: 3-2 (William F. McIntosh and Leonard L. McCants to DENY; Walter B. Lewis to DENY by PROXY; Charles R. Norris and Chloethiel Woodard Smith OPPOSED).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 8 NOV 1979