

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13016, of St. Luke's P. & E. Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-5-B District at the premises 1503 P Street, N.W. (Square 194, Lots 66, 92 and 93)

Application No. 13017 of St. Luke's P. & E. Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-5-B District at the premises 1514-20 Church Street, N.W., (Square 194, Lots 84, 85, 86 and 87).

HEARING DATES: August 22, 1979, and September 12, 1979
DECISION DATE: October 3, 1979

FINDINGS OF FACT:

1. The property which is the subject of BZA Case No. 13017 is located on the south side of P Street between 15th and 16th Streets, N.W. The property consists of lots 84-87 and is operated as a parking lot. The parking lot also includes lots 88 and 89, located adjacent to the subject lots to the east. Lots 88 and 89 are not subject to Board approval since they are existing non-conforming uses. The parking lot is located directly to the west of the site of St. Luke's Church.

2. The property which is the subject of BZA Case No. 13016 is located on the northwest corner of the intersection of 15th and Church Streets, N.W. The property consists of lots 66, 92 and 93, and is operated as a parking lot. The parking lot also includes lots 67, 68, 69 and 94 located immediately to the east and west of the subject lots. Lots 67, 68, 69 and 94 are not subject to Board approval since they are existing non-conforming uses. The parking lot is located directly to the south of St. Luke's Church across a ten foot public alley.

3. Both cases were last before the Board in Application No. 12240, wherein the Board approved the continuation of parking for a two year period by Order dated August 26, 1977.

4. Since the properties in the two cases are in common ownership, are in the same square, are located immediately west and south of the applicant church, and were last approved by the Board as one case, the Board consolidated the two cases.

5. Both lots together contain approximately 130 parking spaces, with 100 spaces on the P Street lot and thirty spaces on the Church Street lot. The applicant proposes to continue the use of the parking lots.

6. The lots serve the needs of the Church on weekends and during evening hours. The lot is leased as a commercial facility during the normal Monday through Friday work hours. The lot is also used by neighborhood residents at other hours.

7. The church has long range plans to expand it's facilities. The church is unable to do so at present because a current mortgage agreement relating to the existing church building encumbers the parking lot properties. The Church testified that it anticipated that it would take five to seven years to pay off the mortgage.

8. Based on the Order in Case No. 12240, which was before the Board in this case, the Board finds that the 1500 block of Church and P Streets are predominantly residential in character, although there are some commercial uses in these blocks. Some of the residential units in these blocks have been substantially renovated and upgraded in recent years. There is an SP zone district along both sides of 16th Street, less than one block to the west. This area contains a mixture of office and residential uses. There is a C-M-3 District east of 15th Street which contains additional commercial uses as well.

9. The applicant testified that the lot was operated in compliance with the Boards Order and that no dangerous or otherwise objectionable traffic conditions have resulted from the operations.

10. The applications were referred to the Depart of Transportation on June 21, 1979. There was no report from the Department received by the Board.

11. The Dupont Circle Citizens Association and Advisory Neighborhood Commission - 2B, opposed the application on the grounds that the present character and future development of the neighborhood is affected adversely by the continuation of this commuter parking facility, that the site should be used for residential development and that the immediate vicinity provides adequate surface parking to accommodate the church. The opposition also cited the applicant's violation of the Board's Order by allowing cars to be parked over the lot line in public space. The written report of the ANC was received after the close of the hearing, but within the record of the cases.

12. The operators of the lot testified that cars were being parked in public space, because the operator did not realize such parking was prohibited. The operator testified that such parking would be ceased.

13. As to the other issues raised by the opposition, the Board does not find that the existing parking lot use had adversely affected the neighborhood. As stated in Finding of Fact No. 8, the area is one of mixed uses, including residential uses which have been substantially upgraded while this parking lot has been in existence. As to whether the site can be developed with residences. The Board finds that the applicant is not seeking a use variance and is thus not required to demonstrate whether there are any other reasonable permitted uses which can be made of the site. As to the adequacy of surrounding parking, the Board finds that surface parking in general in the Dupont Circle area is currently being phased out, and this lot does serve the needs of St. Luke's as well as surrounding commercial and residential establishments. As to the issue of commuter parking, the Board concurs with the position of the ANC, and will so condition this Order.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the applicant has requested special exceptions to continue a parking lot. The applicant must thus prove that it has complied with the requirements of Paragraph 3104.48 and Sub-section 8207.2 of the Regulations. If the applicant so demonstrates, the applicant is entitled to the grant of the special exception and the Board must so act.

As to these cases, the Board concludes that the applicant has demonstrated that the continued operation of these parking lots will not create any dangerous or objectionable traffic condition. The Board further is of the opinion that to allow the land to remain idle while the applicant is financially unable to develop it according to plans would be a detriment to the surrounding neighborhood. The lot does serve the needs of the church as well as the surrounding community.

The Board however, believes that in allowing the Church to continue using the lot for parking, all-day commuter parking should not be permitted at this location. In concurring with the recommendation of the Advisory Neighborhood Commission, the Board believes that continuation of the lot under such circumstances will not adversely effect the present character or future development of the area. The Board further concludes that it has addressed the other issues raised by the ANC, and has accorded to the ANC the great weight to which it is entitled.

It is therefore ORDERED that the Application is GRANTED SUBJECT to the FOLLOWING CONDITIONS:

- a. Approval shall be for a period of TWO 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.
- b. There shall be no all-day commuter parking.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- 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 structure is 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: 4-0 (Walter B. Lewis, Charles R. Norris and William F. McIntosh to GRANT; Leonard L. McCants to GRANT by PROXY; Chlowthiel Woodard Smith not voting, not having heard the case).

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 JAN 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.