

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13397, 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 rebuild a gasoline service station utilizing space formerly occupied by other commercial uses incorporating modifications to plans previously approved by the Board in Case No. 12689 in the C-2-A District at the premises 3825 Alabama Avenue, S.E., (Square 5552, Lot 810).

HEARING DATE: December 17, 1980

DECISION DATE: December 17, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located in a C-2-A zone district at 3825 Alabama Avenue, S.E., and has frontage on both Pennsylvania Avenue and Alabama Avenue, S.E. The area of the site is approximately 23,695 square feet.
2. By Order dated September 1, 1978, in BZA Application No. 12689, the Board granted a special exception under Paragraph 5102.41 of the Zoning Regulations to permit construction of a modern three-bay service building and other modifications to an existing gasoline service station located at the subject premises.
3. The applicant subsequently sought approval of minor modifications to those previously approved plans after receiving its building permit. On advice of the Zoning Administrator's Office, the applicant submitted the revised plans to the Board for approval. At its public meeting of June 4, 1980, the Board denied the request for modifications and directed Exxon to file a new application, if it was to proceed with modified plans. The reason for the Board's decision was that approximately twenty months had transpired since the issuance of its final Order and that such a period of time was too great for the Board to reexamine the application on its original merits. By Order, dated October 6, 1980, applicant's motion for reconsideration was denied.
4. The site is currently improved with an existing gasoline service station previously approved by the BZA in Case No. 6793. Certificate of Occupancy No. B-36060 was issued July 17, 1962. The site is additionally improved with a small commercial development which is vacant. The applicant proposes to raze the commercial development together with the existing gasoline station improvements in order to modernize and enlarge the existing facility.

5. Adjacent to the east is a small commercial block which houses a laundry, dry cleaning store, record shop and two vacant shops. Fronting on Pennsylvania Avenue is a vacant structure which was formerly a restaurant. To the rear of the property along Alabama Avenue is another small shopping center which houses a drug store, bowling alley, paint store, dry cleaning store, restaurant, beauty salon and liquor store. Across Alabama Avenue from this site is Fort Dupont Park.

6. The C-2-A District in which this property is located, extends along the eastern side of Alabama Avenue both north and south of Pennsylvania Avenue. An R-5-A District is adjacent to this site on the east and north. An R-2 District is located to the east and a large R-1-B District is located across Alabama Avenue from this site.

7. As originally approved by the Board in Application No. 12689, the rebuilt gasoline service station called for a customer service building, which included auto repair facilities, and a three pump gasoline island. Gasoline sales included self-service and full-service facilities. There was no body or fender work contemplated at the facility and no grease pits or hoists to be located on the premises. Lifts for repair work would have been located within the new service building. Additionally, the existing commercial structure adjacent to the station would have been replaced with a customer service house, restrooms and office space in addition to repair facilities.

8. The modified plans submitted at the public hearing on this application show a redesigned service building on which two unnecessary entrances on the Pennsylvania Avenue side of the building have been eliminated and the cashier's booth relocated into the service building. Other modifications include the elimination of the kiosk previously shown on the pump island and the redesigning of the canopy over the pump island. As modified, the service building is approximately one square foot smaller in area than shown on the previous design. Other than the minor modifications described herein, the Board finds no changes in the proposed service station from the application approved by the Board in Case No.12689.

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

- a. This property is separated from the adjacent R-5-A residential district on the east by a sixteen foot wide public alley.
- b. Access to the station is from both Alabama and Pennsylvania Avenues, S.E. The proposed construction provides four access points and will provide more customer parking than the existing service station.
- c. The application was referred to the D.C. Department of Transportation for review and report on May 11, 1978, in Case No. 12689, and was referred to the Office of Planning and Development in this application on November 7, 1980.
- d. Plans for the proposed rebuilding indicate that the landscaping made a condition of the Board's Order in No. 12689 will remain.
- e. One free-standing, sixteen foot high identification sign will be erected at the southwestern corner of the site. All other signs will be integrated with the pump island canopy and building facades.

10. 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.

11. In Application No. 12689, the Municipal Planning Office, by report dated June 22, 1978, recommended approval of the application on the grounds that it complied with the requirements of Paragraph 5101.51 of the Zoning Regulations and that the proposed replacement of the existing gasoline service station would not result in any dangerous or otherwise objectionable traffic conditions. The Board then so found. At the time of public hearing, the Office of Planning and Development had not submitted any report, but as previously noted herein, the Board finds no change in material facts.

12. In its report submitted in Application No. 12689, dated June 13, 1978, the Department of Transportation stated that its review of the application identified no adverse impacts and the Board so found. The Board finds that with the four proposed accessways, no adverse traffic impacts are anticipated in the present application.

13. A letter in support of the application was submitted by Mr. James L. Kane, a partner in Alabama Center, Inc., the owners of the shopping center next to the property on Alabama Avenue.

14. There was no recommendation from Advisory Neighborhood Commission - 7B.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the is of the opinion that the requirements of Paragraph 5101.41 of the Zoning Regulations have been met by the applicant. In accordance with Paragraph 5101.41, this site is separated from the adjacent residential district by a public alley. All driveways are more than twenty-five feet from the intersection of Pennsylvania and Alabama Avenues. The Board is further of the opinion that the proposed rebuilding will not result in any dangerous of otherwise objectionable traffic conditions, since there will be four access points with more customer parking than the existing service station. 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 use of neighboring property in accordance with those Regulations and Maps. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the FOLLOWING CONDITIONS:

1. All repair work must be done inside the building.
2. A brick wall and shrubbery, as previously required in BZA Application No. 12689, shall be located along the alley in the rear of the property as shown on the plans submitted with this application.

