

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13448, of Teamsters Local 639 Employers Pension/Health and Welfare Trust Funds and Local 639 Building, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions as follows:

1. Under Sub-sections 7205.3 or 6101.8 to allow accessory parking serving 3100 Ames Place, N.E. (Lot 4) to be located on the C-M-1 portion of 3130 Ames Place, N.E., (Lot 3).
2. Under Paragraph 3101.48 or 3101.410 to allow accessory parking serving the building at 3100 Ames Place, N.E. which is in a C-M-1 District to be located on the R-1-B portion of both 3100 and 3130 Ames Place, N.E.
3. Under Paragraph 3101.48 or 3101.410 to allow accessory parking serving the building at 3130 Ames Place, N.E., which is in a C-M-1 District on the R-1-B portion of 3130 Ames Place, N.E.

Premises located in the C-M-1 and R-1-B District, 3100 and 3130 Ames Place, N.E., (Square 4364, Lots 4 and 3).

HEARING DATE: March 18, 1981

DECISION DATE: April 1, 1981

FINDINGS OF FACT:

1. The subject property is located on the north side of Ames Place, between 31st and 33rd Streets, N.E. and is known as premises 3100 and 3130 Ames Place, N.E. It is split zoned, approximately half being in a C-M-1 District and the other half being in an R-1-B District.

2. The subject property is bounded to the south by the Metrobus parking garage, to the east by a construction company site, to the west by single family structures followed by vacant land, and to the north by park land. The site is enclosed by chain link fences and a masonry wall to the north of the site.

3. The site is 228 feet deep. On the Ames Place frontage, the site measures 405 feet. On the Adams Street frontage, the site measures 305 feet. The site is improved with two structures on the east and west side of the site. In between the structures is a parking lot.

4. The applicants purchased the site in January, 1981. Prior to the purchase the site was used by the Ledford Construction Company for more than ten years as a parking lot for employees, as well as for trucks and other company vehicles. The lot was last approved by BZA Order No. 13278, dated November 10, 1980.

5. The applicants propose to renovate the two buildings now on the site, and to use one for union offices and an assembly hall and the other as offices for the Pension/Health and Welfare Trust Funds. The Zoning Administrator has determined that these uses will require 104 parking spaces. The parking lot on the site will hold approximately 150 acres.

6. The building on the east part of the site, known as 3130 Ames Place, had been used as offices and a warehouse. It will now be used as the offices for the Pension/Health and Welfare Trust Funds. Approximately twenty-two persons will be employed therein whose main function will be in processing benefits and claims. There is a family service unit therein which is not a clinic. Patients will not be treated therein. The Zoning Regulations require nine parking spaces for the use at this address.

7. The building on the west part of the site, known as 3100 Ames Place contained a garage and vehicle maintenance unit. It will now be used as offices and an assembly hall accommodating approximately 150 persons. The union hall will be used monthly from 8:00 p.m. to 10:00 p.m. for meetings. Approximately fourteen persons will be employed as officers and agents of the union on a full-time basis. The union, known as Local 639 of the Teamsters Union has approximately 6,400 members. It is primarily a truck drivers union. The Zoning Regulations require ninety-five parking spaces for the proposed use at this address. The applicant testified that there is no drinking of hard liquor at the meetings, that the members are truck drivers whose livelihood depends on their maintaining their licenses and, as such, they observe the rules of the road.

8. Prior to the acquisition of the subject site, each applicant maintained separate buildings in downtown D.C. The subject parking lot will be used solely by employees, union members and their families, and guests, for parking during their visits to the two renovated buildings and will not be operated for commercial purposes. The normal daily operations of the site will be from 9:00 a.m. to 5:00 p.m. When the lot is not in use, it will be closed.

9. There will be one full-time maintenance man employed to keep the grounds clean and free of debris, to tend the landscaping and maintain the parking site. Security measures have not yet been worked out. There are no present plans for twenty-four hour security.

10. The applicant's expert traffic witness testified that access to and exit from the site will be through one entrance and one exit gate located on Ames Place. Vehicular movement on Ames Place is very light. The monthly meeting of the union occurs at hours that are not peak hours. There will be car pools so that no more than seventy-five cars will be involved at the meetings. Seventy-five vehicular movements in one hour is a light movement, and the traffic would normally not be going through the residential neighborhood. There are three twelve foot wide spaces provided for the handicapped. The 150 spaces to be provided are more than adequate. The Board so finds.

11. There was much testimony on landscaping. The Board adopted the landscaping plan marked as Exhibit No. 28 of the record as further modified under the conditions of the granting of this application.

12. The application was referred to the Department of Transportation. No report was received at the time of the public hearing.

13. An owner of property in the area of the site testified at the public hearing that she was not opposed to the application, but had concerns. Her property and another are the only two residences on the street. For the most part she lives alone. Her concerns were as to the adequacy of the number of parking spaces, traffic impact on the neighborhood from so many union members using the facilities of the site, security as to the monthly meetings with an attendance of 150 members coming into the area and when the site was closed at night, and the maintenance of the site.

14. The record was left open for a recommendation from the ANC and further recommendations of the neighborhood residents.

15. Advisory Neighborhood Commission - 5A by letter of March 23, 1981, reported that the ANC was aware of the subject application but had taken no position.

16. There were several letters of record and a petition from residents in the immediate area received after the public hearing but while the record was still open. Some expressed the concerns already testified to and other opposed the relief requested on the grounds that their's was a stable residential neighborhood and desired no further commercial or industrial expansion.

17. In addressing the concerns of the neighborhood, the Board finds that most of these have been addressed by the traffic expert witness and in the principles of behavior at the meeting as testified by the applicant. The Board, in hereafter conditioning the grant, will further address the concerns of the neighborhood. In addition, the Board notes that this property has been used for parking purposes for many years, without apparent adverse effects, and that the application is thus not bring a new use into the residential area.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the applicants are seeking three special exceptions, the granting of which requires proof of compliance with the requirements of those sections of the Zoning Regulations under which the relief is sought. The Board concludes that the applicant has met the burden of proof as to Sub-section 7205.3 or 6101.8 and Paragraphs 3101.48 or 3101.410. The open parking spaces accessory to the structures are not located within ten feet of any residences, the spaces are wholly within 300 feet of the lot or part thereof on which the principal use is permitted, the parking lot is located in its entirety within 200 feet of an existing commercial or industrial district and it is economically impracticable to locate such parking spaces within the principal buildings or on the same lot.

The Board notes that the site is strip zoned. The Board further concludes that as hereinafter conditioned the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

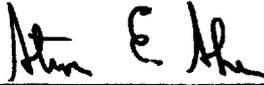
1. Approval shall be for a period of THREE YEARS from the final date of this Order.
2. The existing masonry wall at the rear of the property shall be continued on both sides of the lot to attach to the existing buildings. The new wall shall match the wall presently existing at the rear of the lot.
3. On the nights the Union holds its meetings, the Union shall have at least one additional security guard on the premises.
4. The Union shall notify the local district of the Metropolitan Police Department of its intent to hold a meeting at least twenty-four hours in advance of the meeting.
5. The applicant shall landscape the property in accordance with the landscaping plan marked as Exhibit No. 28 of the record. Landscaping plans shall be supplemented by a Ligustrum Hedge, planted on the street side of the chain link fence on the Ames Street frontage of the property. The hedge shall have an initial height of at least three feet, and shall be planted three feet on center.
6. The applicant shall keep the sidewalk cleared of snow.
7. The lot shall be for the exclusive use of Union employees, members and guests.
8. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
9. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
10. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

11. 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.
12. 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.
13. 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: 3-0 (William F. McIntosh, Charles R. Norris and Connie Fortune to GRANT; Douglas J. Patton not voting, not having heard the case).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1981

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.