

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13503 of Joseph L. Mendelson, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 1109-1121 11th Street, N.W. and 1126 - 10th Street, N.W., (Square 341, Lots 67, 68, 11 and 802-806).

HEARING DATE: July 15, 1981
DECISION DATE: September 2, 1981

FINDINGS OF FACT:

1. The subject property is located in an SP-2 District on the east side of 11th Street between L and M Streets, N.W. A portion of the subject property also extends through the block to 10th Street.
2. The property consists of eight record or assessment and taxation lots. The property is 143 feet wide along 11th Street, to a depth of 100 feet. The portion of the lot which extends to 10th Street is 27.17 feet wide. The total area of the site is approximately 16,840 square feet.
3. The subject property is currently being used as a parking lot pursuant to Certificate of Occupancy No. B-111277 which expired on May 26, 1981. The subject application was filed on April 6, 1981 to continue the use of a parking lot.
4. The lot was originally established in BZA Application No. 6931 in 1962. Continuation of use as a parking lot was approved by the Board in Application No. 10510 in 1970, Application No. 11230 in 1972, and Application No. 12617 in 1978.
5. The area surrounding the lot contains a mixture of uses and a number of vacancies. East of the site are several three and four-story row dwellings, some of which are vacant, and a six-story apartment building. To the north are mixed commercial and residential uses, including a take-out snack bar, a dry cleaners and storefront church. To the west are an electrical supply shop and several high rise apartment buildings. To the south are the Soldiers, Sailors, Marines and Airmens Club, the Chinese Community Church, a small triangular park known as Samuel Gompers Park, and a major highrise office building at the southwest corner of 11th and L Streets.
6. The parking lot is designed to accommodate thirty-nine vehicles in a self-park arrangement with no stacked parking. There is an attendant's shed located adjacent to the driveway from 11th Street.
7. All access to the lot is by way of a single driveway from 11th Street.

8. The lot presently has an attendant on duty from 7 a.m. to 4 p.m. weekdays, and is operated as an in-and-out commercial lot with about ten monthly lease contracts for use of employees of Maurice Electric Supply located at 1134 - 11th Street. Approximately thirty of the 39 spaces used on a daily basis are used for all-day commuter parking.

9. The lot is maintained on a daily basis and is policed several times during the day.

10. The lot is used by volunteer workers in the neighborhood and is used without charge by parishioners of the Independent Church of God just north of the lot at 1131 - 11th Street on Wednesday evenings and Sunday mornings. The lot is also used by neighborhood residents for overnight parking without charge.

11. The applicant and his traffic consultant testified that the few commercial uses in the vicinity of the lot do not generate sufficient demand for short-term parking to make the operation of this lot economically feasible on that basis alone. At present, the lot is operating at a loss.

12. The applicant testified that he has been unable to sell the lot for development due to high interest rates, that he hopes to sell the lot in the future for that purpose, and that he has been in contact with at least one developer and realtor to that end recently.

13. The facilities on this lot have been found by the Board of Zoning Adjustment on prior occasions to be non-objectionable to adjoining and nearby property owners. The noise and traffic generated by cars using this lot is negligible compared to the noise generated by the existing traffic flow at Massachusetts Avenue and L Streets. The applicant knew of no complaints from surrounding users as to the operation of this lot.

14. The applicant's traffic consultant testified that the area is not well served by public transportation, that the nearest Metro station is six blocks away, that bus service to the area is somewhat limited, and that, accordingly, continuation of commuter parking on this lot would be necessary and convenient to serve the transportation needs of the residents and workers in this area.

15. Letters and petitions submitted in this case indicate that there is a need both to continue the operation of this lot and to allow the lot to be used for commuter purposes. A neighborhood resident who utilized this lot appeared in support of the application, testifying that it is the only such facility within safe and convenient walking distance which allows for entry and exit after evening rush hour.

16. The application was referred to the Office of Planning and Development and the Department of Transportation on April 15, 1981. No report was received from the OPD. The DOT, by memorandum dated July 14, 1981, recommended that the permit be granted for no longer than a four year period.

17. There was no report from Advisory Neighborhood Commission 2C.

18. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. In order to be granted the requested exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 4101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. Specifically, the facility, which was in existence on October 5, 1978, is so located and designed, as conditioned herein, that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions, nor will the present character and future development of the neighborhood be adversely affected by the use. Additionally, based on the record, the Board concludes that, at present, the lot in part serves residential uses and provides short-term parking for retail uses.

Based upon the record, the Board also concludes that the applicant is entitled to a variance from Sub-paragraph 4101.413 of the Regulations in order to operate a commuter parking facility on the site. The site is subject to an extraordinary and exceptional condition, in that the economy and use history of the area surrounding the subject site have contributed to the stagnation of development potential of the area and have necessitated the seeking of variance relief to permit the continuation of a use which existed and was permitted prior to a recent change in the Zoning Regulations. The Board also concludes that the strict application of the Zoning Regulations would result in undue hardship upon the owner, in that the property could be put to no reasonable, economically viable use. The need for a variance from Sub-paragraph 4101.413 in order to operate a commuter parking facility in this area has been demonstrated because of the lack of adequate demand for short-term parking facilities in the area and the present inability of the owner to find a viable purchaser to develop the site.

The Board concludes that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Map. The Board further concludes that the special exception can be granted as 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 said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

1. 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.
2. The layout of the parking lot shall be as shown on the site plan submitted by the applicant marked as Exhibit No. 31 of the record, SUBJECT to the FOLLOWING:
 - a. The wheelstops along the 11th Street property line shall be retained as shown.
 - b. Wheelstops shall be erected along the eastern lot lines of Lots 67 and 68 adjacent to the four foot alley.
 - c. The existing wheelstops shown along the north and south sides of the parking lot shall be relocated to be three feet from the lot lines.
 - d. The applicant shall provide a nineteen foot aisle with along the east lot lines of Lots 802,803, and 804.
 - e. The three spaces on Lot 11 numbered 37,38, 39 shall be arranged side by side, with wheelstops installed thirty-eight feet to the east of the west lot line of Lot 11.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming al all-weather impervious surface.
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

6. 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.
7. 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.
8. 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: 5-0 (Charles R. Norris, Douglas J. Patton, Lindsley Williams, William F. McIntosh and Connie Fortune to grant).

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

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

15 OCT 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.