

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13719 of United National Bank, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7613.12 to permit required accessory parking serving a proposed new bank and office building to extend thirty-five feet into an R-5-A District in a C-2-A and R-5-A District at the premises 1400 Montana Avenue, N.E., (Square 4023, Lot 1).

HEARING DATE: April 14, 1982
DECISION DATE: May 5, 1982

FINDINGS OF FACT:

1. The subject site is all of Square 4023 bounded by Evarts Street and Saratoga and Montana Avenues south of the intersection of Evarts Street and Montana and Rhode Island Avenues, N.E. It is in a C-2-A and an R-5-A District at premises known as 1400 Montana Avenue, N.E.

2. The subject site is approximately 38,926 square feet in area of which 17,147 square feet is in the C-2-A District. The site is improved with a temporary drive-in banking facility located on the C-2-A portion of the site. The remainder of the site contains surface parking extending thirty-five feet into the R-5-A District. The site is triangular in shape and the topography slopes from the northwest section of the site toward the southern portion with a change in grade of approximately ten feet.

3. To the north and west of the site is the C-2-A District. To the northeast and southeast is the R-1-B District and to the south and southwest is the R-5-A District.

4. The applicant proposes to construct a five story office building containing walk-in and drive-in banking facilities on the ground floor. Office space will occupy the upper floors, and a single below grade level will provide parking for sixteen cars. Twenty-four parking spaces will be provided on-grade which will extend thirty-five feet into the R-5-A District. One loading berth will be provided.

5. The proposed office building will be constructed within the C-2-A portion of the site.

6. The applicant proposes to provide additional landscaping in accordance with Drawing No. 24 of Exhibit No.

9 of the record, to further buffer the surface parking from nearby residential uses. The existing sixty-five foot set back along Saratoga Avenue will remain.

7. The proposed development will provide vehicular access from Evarts Street and Montana Avenue.

8. The Board, in the prior BZA Order No. 12345, permitted the continuation of the subject accessory parking to service the bank. The approval in Application 12345 was granted for a three year period and expired May 27, 1980. The subject application was filed December 29, 1981. The lot was operating without a Certificate of Occupancy for some nineteen months. The applicant stated that it was unaware of this.

9. The applicant now requests approval to locate the required accessory parking spaces thirty-five feet into the R-5-A District to service the proposed permanent bank and office building. This application is not a request to continue what had previously been approved.

10. The C-2-A District allows a gross floor area of 25,720.308 square feet for this site, while 25,717 square feet is proposed. The C-2-A District requires a minimum of forty parking spaces while forty spaces are provided.

11. The Office of Planning and Development by report dated April 9, 1982, recommended approval of the application stating that the request will not adversely affect neighboring property or become a detriment to the character of the neighborhood since the square is under single ownership and the existing and proposed landscaping is adequate to screen the lot in question from nearby properties. The OPD concluded that the proposed application meets the conditions of Paragraph 7613.12. The Board so finds.

12. The District of Columbia Department of Transportation, by memorandum dated April 13, 1982, stated that the application will have no measurable adverse impact on the street system. The Board so finds.

13. The Channing Street Area Civic Association, by letter dated March 16, 1982, expressed support of the application stating that it would benefit the community.

14. Advisory Neighborhood Commission 5B, by Resolution dated September 25, 1981, recommended approval of the proposed expansion of the United National Bank on the subject property.

15. No one appeared in opposition at the public hearing.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirements of Paragraph 7613.12 of the Zoning Regulations. The Board concludes that the applicant has met the requirements of Paragraph 7613.12. The proposed parking lot will not extend beyond thirty-five feet into the R-5-A District. The lot is presently screened with landscaping which will further be enhanced by the additional landscaping proposed by the applicant. The present sixty-five foot set back of the parking lot from Saratoga Avenue will remain. The subject property is all of Square 4023 which is under the single ownership of the applicant and is surrounded by public streets. The Board further concludes the proposed extension will have no adverse effect upon the present character and future development of the neighborhood and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations. The Board further concludes that the proposed use will not affect adversely the use of neighboring property. It is therefore ORDERED that this application is GRANTED subject to the following CONDITIONS:

- A. Approval shall be for a period of FIVE YEARS from the date of this order.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. 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.
- F. 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.

- G. 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 (Connie Fortune, Walter B. Lewis, William F. McIntosh and Douglas J. Patton to grant, Charles R. Norris 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: SEP 30 1982

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.

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