

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13941, of Shell Oil Co., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 5101.41 to modify an existing service station to add a canopy, kiosk and expanded pump islands in a C-1 District at premises 4107 Alabama Avenue, S.E., (Square N-5369, Lot 11).

HEARING DATE: March 23, 1983
DECISION DATE: April 6, 1983

FINDINGS OF FACT:

1. The subject site is located on the southwest corner of the intersection of Alabama and Massachusetts Avenues, S.E. The site is in a C-1 District and is known as premises 4107 Alabama Avenue, S.E.
2. The site is presently improved with a ranch type automobile service station building and two gasoline pump islands.
3. The site is an irregularly shaped, five sided lot with approximate dimensions of 140 feet at the north, sixty feet at the northeast, 107 feet at the east, 117 feet at the south, and 120 feet at the west. It has an area of approximately 18,289.5 square feet.
4. There are three access and egress driveways to the station, two located on the north to and from Alabama Avenue and one on the east to and from Massachusetts Avenue.
5. A condominium apartment complex is directly south of the subject property within the C-1 District. Areas zoned R-1-B and R-4 adjoin that C-1 District to the west and to the south, respectively. Fort Dupont is directly north of the site. Areas zoned R-2 are found to the east, south and west of the C-1 District.
6. The applicant proposes to modify the pump islands by constructing an operator kiosk and a protective canopy over the service islands. The six present mechanical pumps will be replaced by two electronic dispensing units, each with a capacity to service six vehicles. One unit will provide self-service for gasoline customers, the other is to be full-service by an attendant. There will be no change in the access to or exit from the station.

7. The proposed kiosk will facilitate twenty-four service of the self-service dispensing unit by providing a secure location for a cashier. The kiosk will be constructed on a concrete pad in the approximate location of the northernmost of the two existing pump islands. The kiosk will be below the height of the existing building. The six foot by twelve foot kiosk will not affect the present light, air space and view of the nearby condominium residents.

8. The additions are proposed in order to ease gaso-line service operations and to provide maximum security. The kiosk, with plumbing connections and bullet-proof glass, will be a self-contained unit for the station attendant during the late evening hours. The fourteen foot high canopy over the service islands is intended as protection of the self-service customers from inclement weather.

9. A fence was jointly installed by the aforementioned condominium and the applicant. The fence is twenty-one feet immediately south of the subject facility. Trees are planted along the northeast property line near the Massachusetts Avenue entrance. A promenade of pine trees lines the southeast side of the subject property. The west property line is also bordered with yews. Groupings of plants are located around the center island between the Massachusetts Avenue driveway and the center entrance. The Alabama Avenue and the Massachusetts Avenue entrances are bordered by a rectangular landscaped plot of lowlying hedges.

10. The lighting of the proposed facility would be less disruptive than the present lighting. All lighting will be directed downward. Area lights on the property will remain where presently situated.

11. No vehicle body repair work is presently performed on the subject property. No body repair work will be performed after the site is modified.

12. The applicant testified that all nearby property owners were contacted regarding the proposed modifications. No comments were received by the applicant from any of those parties.

13. The representative of the application who appeared at the hearing was not the on-site manager of the subject property. The representative did not know the present or the proposed hours of operation for the facility. The applicant was unsure whether complaints had ever been received by the on-site manager. The exact details of landscaping maintenance were not able to be presented by the representative.

14. The record was left open for the applicant to supply information regarding the hours of operation now in existence and the hours that are contemplated with the modifications proposed, a schedule for cleaning and landscaping, whether or not the on-site manager has received any complaints about the operation or maintenance of this site, and how those complaints were handled.

15. By letter dated March 28, 1983, the applicant reported that the current operating hours are from 6 A.M. to Midnight. The station will operate twenty-four hours a day after the site modifications are completed. From Midnight to 6 A.M., the station will be open for self-service gasoline sales only. No vehicle service work will be performed during the hours from Midnight to 6 A.M.

16. The applicant's on-site manager is responsible for the station's landscaping and overall maintenance. The property is routinely cleaned and landscaped by the manager and his employees. The subject on-site management has never received any complaints about the operation or maintenance of the subject station.

17. Pursuant to Sub-section 5101.4 the application was referred to the Office of Planning. No report was filed.

18. Advisory Neighborhood Commission 7B made no recommendation on the application.

19. There was no opposition to the application of record or at the public hearing.

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, the granting of which requires proof that the applicant has complied with the requirements of Sub-section 8107.2 and Paragraph 5101.41 of the Zoning Regulations. The Board concludes that the applicant has met the burden of proof. The proposed additions to, and modifications of, the present use are harmonious with the permitted use. The proposed modifications do not change present traffic flow onto, off of or on the site and will thus not create dangerous or objectionable traffic conditions.

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 will not tend to adversely affect the use of neighboring property. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Carrie Thornhill, Maybelle Taylor Bennett, Douglas J. Patton and Charles

R. Norris to GRANT).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 23 1983

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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