

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14012, as amended, of 317 Massachusetts Ave. Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7202.1) for the proposed construction of a retail-office building in a C-2-A District at premises 317 Massachusetts Avenue, N.E., (Square 782, Lots 25, 26 and 27).

HEARING DATE: September 14, 1983

DECISION DATES: September 14, and October 5, 1983

FINDINGS OF FACT:

1. The subject property is located on the south side of Massachusetts Avenue between 3rd and 4th Streets and is known as premises 317 Massachusetts Avenue, N.E. It is zoned C-2-A.
2. The subject site is generally rectangular in shape and contains 4,334.4 square feet of lot area.
3. The site is presently improved with a two-story masonry structure which was previously occupied by a veterinary hospital. The structure is currently vacant.
4. The applicant proposes to raze the existing structure and to construct an office-retail building containing approximately 6,400 square feet of gross floor area.
5. The Zoning Regulations require seven off-street parking spaces to be provided for the proposed office-retail building. The applicant does not propose to provide the required parking spaces on-site. A variance of 100 percent of the parking requirements is therefore required.
6. The application was amended at the public hearing to delete the proposal for alternative special exception relief to permit the required accessory parking to be located elsewhere than on the lot where the structure is located. As advertised in the alternative, the applicant proposed to locate the parking on the property at the rear of 417 3rd Street, N.E. and to modify BZA Order No. 6735 to permit surface parking as opposed to garage parking at that location. The special exception relief was withdrawn because of the applicant's inability to lease that space for required accessory parking purposes. The application as

amended requests only a variance from the parking requirements.

7. The subject site is located within a commercially zoned strip fronting on Massachusetts Avenue, N.E. To the immediate west of the subject site is a single-family residence, followed by commercially used townhouses and a restaurant. To the east of the subject site is the property of the Lee Funeral Home, Inc.

8. The testimony of the applicant and the applicant's architect demonstrates that the size, topography and location of the subject site combine to create an exceptional condition or situation and that the strict application of the parking requirements would create a practical difficulty upon the owner.

9. The subject site is located within the Capitol Hill Historic District. Therefore, any development of the site is subject to review and approval by the Historic Preservation Review Board.

10. The Joint Committee on Landmarks, acting as the Historic Preservation Review Board, at its meeting of March 2, 1983, offered no objection to the basic concept of the building and the demolition of the existing structure. The proposed plans submitted in the subject application reflect the applicant's efforts to comply with the design recommendations made by the Joint Committee during its conceptual design review of the proposed building. The recommendations of the Joint Committee included providing projecting bay areas, widening the central bay entrance, eliminating skylights, and cornice line treatment to enhance the design of the building and be consistent with the existing Capitol Hill streetscape.

11. The applicant has studied the possibility of redesigning the proposed building in order to accommodate the required parking within an underground parking garage. The applicant's architect testified that it is not feasible to provide the required parking in an underground garage for the following reasons:

- a. It is impractical to provide a ramp from Massachusetts Avenue to access the garage due to the sixty foot width of the lot. The ramp would be twenty feet in width, thus consuming one-third of the area available on the first floor level.
- b. The provision of a garage door to access the garage on the Massachusetts Avenue frontage would detract from the residential character of the design of the facade of the structure and must

further be subject to approval by the Historic Preservation Review Board.

- c. The dedication of twenty feet of the Massachusetts Avenue frontage for driveway purposes and the provision of a five foot set back on either side of the driveway would result in the loss of one or two existing on-street parking spaces. In addition, vehicles entering or leaving the garage would add to the existing traffic congestion on Massachusetts Avenue.
- d. The maximum ramp grade allowed under the Zoning Regulations is twelve percent. A ramp grade of twelve percent on the subject site would extend the ramp to the rear property line with no space to maneuver from the ramp into the parking area. A ramp grade of twenty-one percent with a driveway width of seventeen feet would be necessary to allow vehicles to descend into the parking area and provide adequate space at the end of the ramp for vehicles to turn into the parking area. A ramp grade of twenty-one percent is unsafe and maneuvering of vehicles into the parking area would be difficult, necessitating several jockeying points.
- e. An underground garage of this type would require a minimum of two transfer beams and the shoring and underpinning of adjacent structures. The estimated cost of garage construction per parking space is \$42,000 which is not economically viable.

12. The proposed retail/office structure will occupy 3,423.3 square feet of lot area. There is adequate space at the rear of the structure to accommodate parking spaces for four vehicles, thus reducing the total variance required. However, this portion of the property is inaccessible for parking purposes because there is no alley system in the subject square, thus creating an exceptional situation on the subject site.

13. The applicant has explored the possibility of purchasing or leasing adjacent property to use for parking or entering into an easement agreement with adjacent property owners in order to gain vehicular access to the rear of the property. The applicant has not been successful in obtaining either arrangement.

14. The ceiling of the basement level of the proposed structure which extends under that portion of the site which could accommodate the four parking spaces is designed to be reinforced to support parking on that portion of the site

should access to the rear of the property become available in the future.

15. The applicant was unable to purchase or lease the required parking spaces within 800 feet of the subject site which would qualify for special exception approval. The applicant has leased eight parking spaces in a commercial facility located at 2nd and F Streets, approximately three and one-half blocks from the subject site.

16. The applicant's traffic consultant reported that the proposed development would have no adverse impact on the neighborhood in terms of parking or traffic. The location of the leased parking spaces is reasonably convenient to the site. On-street parking is available in the area. The site is convenient to public transportation. There are fourteen bus routes which operate within four blocks of the site. The Union Station subway entrance can be reached by bus or by foot, without a bus connection, within an eight to ten minute walk.

17. Advisory Neighborhood Commission 6A, by letter dated September 6, 1983, took no position on the subject application. The letter identified no written issues and concerns for the Board to address.

18. By letter dated September 6, 1983, the Stanton Park Neighborhood Association modified its previous letter dated September 1, 1983, and offered no opposition to the variance subject to the condition that the applicant provide seven or more off-site parking spaces for as long as the building is used as an office.

19. The Capitol Hill Restoration Society, by letter dated September 12, 1983, supported the application for the following reasons:

- a. It does not appear to be possible to provide the required seven parking spaces on the site either underground or on the surface.
- b. There is no access to the rear of the property.
- c. It is not desirable to break the facade for parking access nor to have a driveway into Massachusetts Avenue.
- d. The required curb cut would take two parking spaces off the street.
- e. It does not appear to be possible to obtain off-street parking in the immediate vicinity.

The Society recommended that the applicant obtain off-street parking to ensure that the project is not detrimental to the neighborhood.

20. The Single Member District Commissioner from Advisory Neighborhood Commission 6A-17 testified at the public hearing in support of the application subject to the applicant providing seven parking spaces at another location. The SMD Commissioner was of the opinion that any structure at the subject location would have a problem providing parking. The alternative to development of this site, even with the inherent parking problems, would be a vacant building or lot which would accumulate trash and be conducive to loitering and criminal activity. Public transportation is available nearby.

21. Two residents of the neighborhood appeared in opposition to the application at the public hearing. The opposition testified that the applicant's traffic expert understated the existing traffic and parking problems plaqueing the neighborhood. The residents did not oppose the design of the building but were concerned with the impact of the proposed development on existing parking problems in the area. The opposition recommended that the applicant be required to lease at least seven off-street parking spaces to minimize possible detrimental impacts on the neighborhood.

22. As set forth in Finding of Fact No. 15, the applicant has agreed to lease eight parking spaces in a commercial parking facility located approximately three and one-half blocks from the subject site. The Board finds that the provision of those off-street parking spaces addresses the concerns of the opposition.

23. At the public hearing on September 14, 1983, the Board voted to grant the application by a vote of 4-0 (Douglas J. Patton, Carrie Thornhill, William F. McIntosh and Charles R. Norris to grant, Maybelle T. Bennett not present, not voting) subject to the condition that "eight parking spaces shall be provided for the exclusive use of the tenants of the subject building at another location." At its public meeting held on October 5, 1983, the Board determined to reconsider its decision of September 14, 1983 by a vote of 5-0 (Douglas J. Patton, Carrie Thornhill, William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to reconsider). The Board further considered the nature of the conditions to be attached to approval, and determined that more precise language was necessary to provide for the required parking spaces.

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 an area variance, the granting of which requires the showing of an exceptional or extraordinary condition, inherent in the property itself, which creates a practical difficulty upon the owner. The Board concludes that the absence of alley access, the location of the site within the Capitol Hill Historic District and the size of the property combined represent an extraordinary condition inherent in the property. The Board notes the unsuccessful efforts of the applicant to negotiate with adjacent property owners in order to gain access to the rear of the subject property for parking purposes. The Board further concludes that the strict application of the Zoning Regulations would create a practical difficulty upon the owner in constructing a building in full compliance with the Zoning Regulations on the subject lot due to the aforementioned exceptional conditions of the site.

The Board further concludes that the requested relief can be granted, as hereinafter conditioned, 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. It is therefore ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The applicant shall provide eight off-street parking spaces for the use of the tenants of the subject building within 2500 feet of the subject site.
2. The certificate of occupancy shall be issued only for that period of time for which the applicant can demonstrate that the off-site parking spaces required by Condition No. 1 of this approval are provided.

VOTE: 5-0 (Douglas J. Patton, Carrie Thornhill, William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to grant).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN - 6 1984

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 CONSUMER AND REGULATORY AFFAIRS.

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