

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14154, 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 3101.49 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 3101.49 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 Districts, 3100 and 3130 Ames Place, N.E., (Square 4364, Lots 4 and 3).

HEARING DATE: June 27, 1984

DECISION DATE: July 11, 1984

FINDINGS OF FACT:

1. The subject property is located on the north side of Ames Place, N.E. between 31st Street on the west and 33rd Street on the east. The site is known as premises 3100 and 3130 Ames Place, N.E. The subject site is split zoned, with the southern three-fifths being in a C-M-1 District and the northern two-fifths being in an R-1-B District.

2. The subject site is formed by two adjoining lots and has the shape of two unequal rectangles. The site is 228 feet deep. On the Ames Place frontage, the site measures 405 feet. On the north side, or Adams Street frontage, the site measures 305 feet.

3. The site is improved with two brick, one-story structures. One structure is located at the east side and one at the west side of the site. In between the structures is a paved, at-grade parking lot.

4. There is access to and from the subject site through Ames Place on the south. There is no other vehicular access to the site.

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

6. 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 for use by the Ledford Construction Company by BZA Order No. 13278, dated November 10, 1980.

7. The applicants purchased the property for the purpose of renovating the two buildings then on the site, 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 determined that those uses required 104 parking spaces. The parking lot on the site holds approximately 150 cars, but since some of the spaces are located in the R-1-B portion of the site, and some of the spaces required for 3100 Ames Place are actually located at 3130 Ames Place, the special exceptions specified above were required. The applicants applied for and obtained these special exceptions in 1981, BZA Order No. 13448, dated June 18, 1981.

8. The building on the east part of the site, known as 3130 Ames Place, was renovated in accordance with the proposal presented to the BZA in 1981, and serves as the offices for the Pension/Health and Welfare Trust Funds. The building on the west part of the site, known as 3100 Ames Place, was similarly renovated in accordance with the proposal presented to the BZA in 1981, and serves as the offices for Teamsters Local 639 and as its assembly hall. The applicants' representative testified that \$1.5 million was spent on the renovation project. Photographs filed with the Board make clear the substantial investment made and the enormous improvement to the property which has occurred as a result.

9. The union building has continued to be used as indicated in the prior hearing. Approximately fourteen persons are employed as officers and agents of the union on a full-time basis. The union, known as Local 639 of the Teamsters Union, is primarily a truck drivers' union. The assembly hall is used monthly from 8:00 P.M. to 10:00 P.M.

for union meetings. There is no drinking of hard liquor at the meetings.

10. Prior to relocation to the subject site, each applicant maintained separate buildings in downtown D.C. The normal daily operations of the site are from 9:00 A.M. to 5:00 P.M. When the lot is not in use, it is closed.

11. There is one full-time maintenance man employed to keep the grounds clean and free of debris, to tend the landscaping and maintain the parking lot.

12. Access to and exit from the site is through two gates 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 are car pools so that no more than seventy-five cars are involved at the meetings. The traffic need not and normally does not go through the residential neighborhood. There are three twelve foot wide spaces provided for the handicapped. The 150 spaces that are provided are more than adequate.

13. The applicant proposes to continue the use of the parking lot at the subject site to provide on-site parking for its members and visitors. The existing Certificate of Occupancy has expired and Board approval is needed for renewal. There would be no changes in the use or the conditions of operation.

14. The Board of Zoning Adjustment has the authority to grant special exceptions to continue the subject parking lot under Sub-section 8207.2 which provides that the Board is authorized to grant special exceptions where in the judgement of the Board such special exceptions will be 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.

15. The D.C. Department of Public Works, Policy and Planning, by memorandum dated June 19, 1984, reported that it had no objection to the continued use of the subject parking lot provided that the applicant ensured that the lot was used only for Teamsters employee and member parking, and not for all day parking by other commuters to the area. The DPWPP reported that it inspected the site and found the lot was clean and well maintained. The Board concurs with the reasoning and the recommendations of the DPWPP.

16. The D.C. Metropolitan Police Department, Fifth District, by letter dated June 26, 1984, expressed support for the application. The letter was signed by Captain Charles R. Bacon and informed the Board that he had been

Captain of the Fifth District for three years and was personally familiar with the Teamsters complex. The complex is located in the Fifth District. Captain Bacon reported that the teamsters' renovation work constituted a significant improvement to the neighborhood. He was aware of no problems associated with the Teamsters' use of their site for offices for their monthly meetings. The presence of the Teamsters is a real benefit to the community, and would obviously be counterproductive if they were unable to continue with their use of the complex, giving rise to the possibility that it would be returned to use for purely commercial or industrial purposes. The Board concurs with the reasoning and the recommendations of the D.C. Metropolitan Police Department.

17. Advisory Neighborhood Commission 5A made no recommendations on the application.

18. A resident of a dwelling directly across the street from the rear of the union building testified at the public hearing about certain concerns that she had. She agreed that the grounds were kept very well, with the exception of the area at the north of the site, outside the northern wall of the complex, where there had been a delay in getting the grass cut, but the applicants' representative indicated that this was due to an oversight and had already been taken care of. Her primary concern had to do with the noise which she heard from time to time from the assembly hall.

19. The applicants' representative acknowledged that the Union has leased out the assembly hall to members, spiritual groups and others for meetings, holiday parties and similar events, and had allowed groups such as the Police Department to use it for charitable functions free of charge. He further testified that in over one year as President of the Union he had never previously heard of any complaints respecting noise emanating from the assembly hall and disturbing the neighbors, and he explained that he himself had never heard noise outside the building, even when functions were in progress. He indicated that the likelihood was that the noise came as a result of someone opening the rear emergency exits, and he indicated a willingness to put "panic bars" on those doors to prevent the recurrence of such a situation. He stated that he had been unaware that the Board's previous order could be read to preclude such non-Union use of the assembly hall, that the Union didn't actively seek or solicit renters, and that the revenues realized by the Union in leasing the hall were an important source of income to the Union, particularly since the costs of their renovation program were in excess of what was anticipated. Finally, he pledged to work with the neighbors, and, in particular, the neighbor who appeared in opposition, to assure that her complaints would be addressed and eliminated.

20. The Board notes that only one person testified in opposition, that her concerns were very limited in nature, and that she had never previously brought the noise problem about which she complained to the direct attention of the Union official, as she now has done through her appearance before the Board. The record is clear that the complex is a substantial improvement to the area and that the concerns expressed by the one individual at the hearing constitute an isolated problem. The Board further notes that the applicant has initiated communication with the neighbor in opposition in an effort to find solutions for present and future problems.

21. The Board finds that the applicant is in compliance with the conditions of the prior Order of the Board. The Board below will add conditions 2 and 5 to further alleviate the concerns of the residential neighbor.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, 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 3101.49. 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 split 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 date of the order.
2. The union shall have two sergeant-at-arms or private security guards responsible for maintaining proper decorum and security at all times that meetings or other functions are held at the subject premises.

3. The existing masonry wall at the rear of the property shall be maintained.
4. The lot shall not be operated as a commercial parking lot and shall be used solely by persons using or occupying 3130 and 3100 Ames Place, N.E.
5. The applicant shall place alarmed "panic bars" on the emergency exits to the assembly hall to ensure that those doors will not be opened during functions held in the hall.
6. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
7. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
8. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
9. 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.
10. 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.
11. 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 (Walter B. Lewis, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill 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: 14 SEP 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 LICENSES, INVESTIGATIONS AND INSPECTIONS.

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