

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14181, of Luther Place Memorial Church, 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 to permit all-day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 1307 - 14th Street, N.W., (Square 242, Lots 803, 804, 805, 834, 835, 82, 83, 84, 85 and part of Lots 81, 800, 801 and 835).

HEARING DATE: September 26, 1984
DECISION DATE: October 3, 1984

FINDINGS OF FACT:

1. The subject property is located on the east side of 14th Street and the north side of N Street between Vermont Avenue and 14th Street, N. W. and is known as premises 1307 14th Street, N.W. It is zoned SP-2.
2. The subject property is currently being used as a parking lot pursuant to BZA Order No. 13816, dated February 17, 1983.
3. The applicant proposes to continue the use of the subject property for parking purposes.
4. The lot is approximately 17,500 square feet in area and has a capacity of approximately sixty-five parking spaces. Primary access to the lot is via a driveway from 14th Street. The cars are stack-parked and there is an attendant present on the lot during the day.
5. The Board granted a variance from the provisions of Sub-paragraph 4101.413 in BZA Order No. 13816. The applicant requested that the variance relief be continued. The representative testified that approximately one-third of the total number of spaces are leased on a monthly basis.
6. The representative of the operator testified that the area surrounding the subject lot includes office, retail, and service uses to the south and west and primarily residential uses to the north and east. Since the last approval of the parking lot, office development to the south has increased and the number of parking lots in the area has decreased. There are insufficient generators of short-term parking to create enough demand to fill the entire lot.

7. The southwest corner of the subject parking lot is developed with four rowhouses which are used by the applicant for various ministries of the Church, including a shelter for homeless women, an emergency food and clothing distribution center, a shelter for refugees from southeast Asia, a health clinic and a residence for volunteers of the Lutheran Volunteer Corps Program.

8. The parking lot is operated by PMI from 7:00 A.M. to 6:00 P.M., Monday through Friday. On evening and weekends, the lot is used by the Church for persons attending its activities and activities contained in the N Street buildings. The operation of the subject parking lot provides the Church with income needed to maintain the operation of its N Street ministries.

9. The applicant is in compliance with all sixteen conditions of the Board's prior Order.

10. Proposals for the future development of the subject site were set forth in a prospectus dated December, 1981, prepared by the applicant. The applicant testified that it had received no serious responses to the prospectus. The Church is now planning not to develop the site totally but to develop it on a lot by lot basis that would be consistent with some kind of long-term plan. The Church had hoped to construct a large building on the parking site that would have included underground parking spaces for the Church members. It was hoped that a new building would not only support itself but the other ministries now operated in the aforementioned town houses.

11. The applicant has received no complaints about the operation or maintenance of the parking lot.

12. The Logan Circle Community Association, by testimony at the hearing, was in favor of the application. The Association reported that the concerns it expressed on the prior application had basically been addressed and it requested the Board to once again condition the grant as in the prior order of the Board.

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

14. Advisory Neighborhood Commission 2C made no recommendation on 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 use variance. As to the special exception, the Board must find that the applicant has

demonstrated substantial compliance with the requirements of Paragraph 4101.41. The Board concludes that as hereinafter conditioned, the applicant shall so comply. The Board further concludes that the requested relief can be granted as in harmony with the general intent and purpose of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

As to the variance to permit all-day commuter parking, the Board concludes that such is a use variance, the granting of which requires a showing of a hardship upon the owner which arises from property itself. The Board notes that approximately one-third of the spaces on the subject lot are leased monthly for commuter parking and that the other uses in the near vicinity of the subject parking lot do not generate a demand for short-term parking.

The Board further concludes that, the granting of the use variance, as hereinafter conditioned, will not cause substantial detriment to the public good nor substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of terminating on April 1, 1986.
2. There shall be a maximum of twenty-four parking spaces devoted to all-day commuter parking.
3. The applicant shall maintain a chain or fence adjacent to the public alley to prevent vehicular access from the parking lot to the alley.
4. The applicant shall maintain the fence on the Vermont Avenue frontage of the property to the alley.
5. The applicant shall maintain fencing necessary to secure the lot when not in use by PMI or Luther Place Church.
6. The Vermont Avenue curb cut shall not be used.
7. The applicant shall maintain the fence along the Vermont Avenue frontage in good repair.
8. There shall be no "parking" sign on the Vermont Avenue frontage of the lot.
9. The applicant shall provide for the daily removal of litter and debris from the lot.

10. The applicant shall provide for bi-weekly cutting of grass and seeding during the growing season, including trimming alongside fences, fire plugs and trees.
11. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
12. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
13. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
14. 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.
15. 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.
16. 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: 3-1 (Maybelle T. Bennett, Carrie L. Thornhill and William F. McIntosh to grant; Douglas J. Patton opposed; 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
Executive Director

FINAL DATE OF ORDER:

28 NOV 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."

BZA APPLICATION NO. 14181

PAGE 5

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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