

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No.14280, of Vann & Williams, Inc., as amended, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Sub-section 7205.4 to locate accessory parking spaces on a lot other than the lot on which the funeral home is located to construct a funeral home in a C-2-A District at premises 915 Taylor Street, N.W., (Square 2910, Lots 803 and 35), the accessory parking to be located across Taylor Street, (Square 2909, Lot 24) and under Sub-section 7203.6 to reduce the amount of required parking by twenty-two percent.

HEARING DATE: October 16, 1985  
DECISION DATE: October 16, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The applicant proposes to provide forty-three parking spaces for the subject project. He is therefore seeking a special exception under Sub-section 7203.6 to reduce the amount of required parking by twenty-two percent not twenty percent as originally advertised. The application was so amended at the public hearing.

2. The site of the proposed funeral home, known as premises 915 Taylor Street, N.W., lot 803, is located at the northeast corner of the intersection of Taylor Street and Kansas Avenue, N.W. The site of the proposed office/retail building, lot 35, will be separated from the funeral parlor by an alley and will be located at the northwest corner of the intersection of Taylor Street and Georgia Avenue. The site of the proposed accessory parking, lot 24, is located at the southwest corner of the intersection of Taylor Street and Georgia Avenue.

3. Lot 803 is an irregularly shaped lot, with a frontage of 129.57 feet along Taylor Street, N.W. seventy-eight feet along Kansas Avenue, 102.84 feet along the northern property line and 68.50 feet along the fifteen foot alley to the east. Lot 35 is also an irregularly shaped lot, with a frontage of 127.99 feet along Taylor Street, 88.97 feet along Georgia Avenue, 100 feet along the northern property line and 68.58 feet along the alley to the west.

4. The C-2-A District encompasses lots on both sides of Georgia Avenue. There is an R-4 District one block south

of the subject sites in the same Square as the accessory parking lot.

5. The subject sites are located within the area along Georgia Avenue that the Mayor has targeted for revitalization.

6. The Zoning Regulations require twenty-two parking spaces for the funeral home and thirty-three spaces for the office/retail building. The applicant seeks special exceptions from the Zoning Regulations to allow an accessory parking lot on a lot other than the lot on which the principal use is to be located (Sub-section 7205.4) and to reduce the amount of required parking by twenty-two percent (Sub-section 7203.6.)

7. The proposed office/retail building will be a two-story brick building containing 7,700 gross square feet of retail space and 8,000 square feet of office space. The funeral parlor will be a two-story brick structure with a first floor of 5,388 square feet.

8. The subject lots on which the buildings are located are separate lots of record divided by an alley. The applicant is in the process of closing the alley and consolidating the lots. The alley will be maintained by the applicant and will continue to be accessible to neighboring property owners and the Fire Department.

9. The loading area for the commercial structure is located immediately east of the alley. Sufficient space is provided so that vehicles loading and unloading do not project into the alley thereby blocking traffic.

10. Funeral processions will enter the subject site from the west from Kansas Avenue. Vehicles will either enter into the underground parking by a ramp or will continue east along a private driveway along the north side of the funeral parlor and turn south into the alley and enter on Taylor Street.

11. The Chapel in the funeral parlor seats 150 people. An average of 30 people attend each service. Standard funeral services are held between 11:00 A.M. and 12:00 P.M. Hours for wakes are from 6:00 P.M. to 9:00 P.M. During visitation periods in the evening, visitors remain for a short time only.

12. If gatherings are to be larger than the chapel can accommodate, a church which seats 400 people is available for services at 4410 Georgia Avenue.

13. For security reasons, evening visitors to the funeral parlor will park in the space provided on site. The proposed off-site parking would serve the office building exclusively.

14. Sub-section 7205.4 of the Zoning Regulations provides that if approved by the Board, open parking spaces accessory to any structure may be located elsewhere than on the lot upon which the structure is located, provided that:

- A. It is not practical to locate such spaces in accordance with Sub-section 7205.2 because of:

Unusual topography, grades, shape, size, or dimensions of the lot; The lack of any alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or, Traffic hazards caused by unusual street grades; or The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better designed or landscaping, safer ingress or egress, and less adverse impact on neighboring properties;

- B. When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, such parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred;
- C. The parking spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structure which they are designed to serve; and
- D. The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, set backs, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose such other conditions as it shall deem necessary to assure the continued provision and maintenance of such spaces.

15. Nine parking spaces measuring nine by nineteen feet will be provided on the accessory lot. The lot is directly across the street from the proposed commercial building which it is intended to serve. The applicant has a ten year lease with an option to buy for the lot.

16. The Board finds that it is not practicable to locate the proposed parking spaces on the lots on which the principal uses are located since the applicant is required to maintain the alley easement between the two proposed buildings and cannot use that space for parking. Further the use of the accessory parking lot would result in a more efficient use of the land. No space for parking is available on an adjacent lot or a lot separated by only an alley from the lot upon which the principal structure is located. The lot is reasonably convenient to the building that it serves.

17. Fifty-five parking spaces are required by the regulations for the two proposed buildings. The applicant proposes to provide only forty-three spaces or twenty-two percent of the required total. Sub-section 7203.6 of the Regulations authorizes the Board to reduce the amount of parking space required for nonresidential uses provided that the amount of required parking spaces shall not be reduced by more than twenty-five percent.

18. The regulations also state that the Board shall give consideration to the nature and location of the structure; the maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time; the amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood; the quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and, the proximity to public transportation, particularly Metro-rail stations, and the availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works. If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues; and before taking final action on an application, the Board shall refer the application to the District of Columbia Department of Public Works for review and report.

19. The underground parking garage, accessed by Kansas Avenue, will be located under and run the full length of both proposed buildings, the alley way proposed and private driveway to the north of the funeral parlor. The garage will accommodate thirty-three spaces including 19 full sized spaces measuring nine by nineteen feet, twelve compact spaces measuring eight by six feet and two handicapped spaces measuring twelve by nineteen feet. There will be an elevator leading directly to the funeral parlor. There will also be a separate exit to the office building.

20. The applicant will be the operator of the parking garage. It is anticipated that the uses for the office

availability for both uses. Many of the funeral parlor functions occur during the evening when the offices would not typically be occupied. During the day, the funeral services would generally draw a maximum of fifteen or twenty cars.

21. When parking space is not required for a function in one building, it will be available for activities in the other building if needed.

22. The office building will not accommodate medical offices which would require additional parking.

23. One nine by nineteen feet surface parking space will be provided west of the funeral parlor. It will be accessed by Kansas Avenue. There will be one additional surface parking space west of the office building. It will be accessed by the alley.

24. No parking will be allowed in the driveway extending along the north side of the funeral home since it would block the funeral procession.

25. There was no report from Advisory Neighborhood Commission 4C on the subject application.

26. The Department of Public Works (DPW) by a memorandum dated October 9, 1985, reported as to the transportation system at or near the subject sites. The site is bounded on the north by Upshur Street, on the south by Taylor Street, on the east by Georgia Avenue and on the west by Kansas Avenue. Upshur Street is a forty-five foot wide collector street with an average daily traffic volume (ADT) of 41,800 vehicles. Taylor Street is a thirty-five foot wide collector street with an unmetered one hour parking restriction between 7:00 A.M. and 6:30 P.M. Monday through Saturday. Georgia Avenue is a 56 foot wide minor arterial with an ADT of 25,600 vehicles. Parking is controlled by one hour parking meters from 7:00 A.M. to 6:30 P.M. Kansas Avenue is a 50 foot wide minor arterial with an ADT of 7,900 vehicles. Parking is prohibited from 7:00 A.M. to 9:30 A.M. in the west curb lane and from 4:00 P.M. to 6:30 P.M. in the east curb lane. The site is served within two blocks by five Metrobus routes. The Metropolitan Washington Council of Governments estimate of 1990 home based work trips by transit is 47 percent within the area. However, actual commuter trips by transit are somewhat less, since this estimate is based on the extension of the Georgia Avenue Metrorail station which is not in existence.

27. The DPW further reported that the reduction in parking spaces which is proposed will not adversely impact the street system in the area. It noted that there is ample short term parking on the street to accommodate the

short term parking demands of the development as well as any overflow parking demands of the funeral home. It reported that the funeral home and the office peak operating periods would be at varying schedules which would minimize any parking conflicts between the two operations. The office and retail employment should generate a demand for approximately 32 parking spaces during peak week day periods which would leave 12 parking spaces remaining for the funeral home. During the peak period of operation of the funeral home, primarily weekends and evenings, the office parking demand would be reduced. The DPW recommended that the parking spaces located on the separate lot be reserved for short term retail and guest parking for the funeral home and the office component of the project. Employee parking should be limited to the underground parking garage. Such parking spaces should be signed accordingly by the applicant.

28. The Board concurs with the reasoning and general recommendations of the DPW. However, the Board does not concur with DPW's recommendation to restrict the use of the parking spaces on the accessory lot and underneath the buildings. The Board finds that the applicant can best determine how to allocate those spaces and that any rigid predetermination would limit the applicant's flexibility and effectiveness in providing parking.

29. An owner of a business which utilize the alley between the two proposed buildings testified at the public hearing that he objected to the closing of the alley since it was necessary for access to his business. The Board finds that although the alley will be closed for purpose of lot consolidation, it will remain open to traffic. The Board does not have the authority to determine the status of the alley. The application of the proposed alley closing will be decided by the City Council.

30. The owner of the business located on the west side of Kansas Avenue across from the proposed funeral parlor testified in opposition to the subject application. He testified that the area has much traffic congestion and that parking is very limited. The District Unemployment Compensation Board (DUCB) located in the neighborhood generates a tremendous amount of traffic which cannot be accommodated by existing parking spaces. There is no parking on the east side of Kansas Avenue during the evening rush hour, and nearby streets are limited to residential parking during the day. Vehicles park in front of his business and block the garage.

31. The owner further testified that the applicant may not be able to renew the lease for the accessory parking lot and that the parking space located in the driveway north of the funeral parlor, as indicated on the plan marked as Exhibit No. 37 of the record, would block traffic from proceeding through the driveway to the alley.

32. The Board finds that the accessory parking must be provided by the applicant. The Board further finds that the above mentioned surface parking space would block the flow of traffic through the alley as described by the applicant and that no parking should be located in the driveway or alley.

33. The Board further finds that the parking proposed by the applicant is sufficient to accommodate the uses to be located in the subject structures. The applicant is not responsible for the parking violations by visitors to the DUCB.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking special exceptions the granting of which requires that the proposal, meet the requirements of Paragraphs 7205.4 and 7203.6 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The proposed use, as conditioned below in this grant of the application meets the requirements of the Zoning Regulations. The applicant has demonstrated that it is not practicable to locate the parking spaces on the same lot as the proposed structures. The accessory parking spaces are convenient to the principal use. The amount of required parking is not being reduced by more than twenty-five percent. The nature and location of the structures do not require more parking than will be provided. The traffic congestion in the neighborhood is not expected to be significantly aggravated by the proposed structures.

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

1. One-thousand square feet of the office building shall be used for retail purposes. The remainder shall be used for commercial operations. No medical offices shall be permitted.
2. There shall be no parking in the surface driveways.
3. The Certificate of Occupancy shall be terminated on the expiration date of the applicant's lease with Abe Mason, lessor, unless in the interim the applicant acquires ownership of the parking lot.
4. During peak traffic hours, funeral services shall be limited to forty persons.
5. The alley shall be legally closed.

6. The Zoning Administrator shall review the final parking and loading plans. The final plans shall reflect the driveway and loading sites and reflect a twenty-two percent reduction in required parking rather than a twenty percent reduction.
7. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
8. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
9. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
10. 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.
11. 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.
12. 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: 3-0 (Lindsley Williams, William F. McIntosh, Charles R. Norris to grant; Carrie L. Thornhill and Douglas J. Patton not present, not voting).

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

ATTESTED BY:



CECIL B. TUCKER  
Acting Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

20 BEG 1995

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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