

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14346 of Yves Fedrigault, et at., as amended, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7205.4 allowing required parking spaces to be located on a lot other than the lot on which the principal structure is located and for a variance from the prohibition against allowing the aisle width to measure less than twenty feet in width (Sub-section 7206.5) for a proposed alteration of premises 810 Potomac Avenue, S.E., (Square 930, Lot 17) in a C-M-1 District with the proposed accessory parking lot in Square 930, Lots, 10,800 and 801).

HEARING DATE: October 16, 1985  
DECISION DATE: November 6, 1985

FINDINGS OF FACT:

1. The application was amended at the Public Hearing to eliminate the need for a variance allowing the required landscaping area to be less than five percent of the total area devoted to parking under Paragraph 7206.91 of the Zoning Regulations. The Zoning Administrator's memorandum of November 5, 1985 stated that 285.5 square feet of landscaping are being provided while only 275 square feet are required. The revised plans, marked as exhibit No. 30, indicated the required landscaping.

2. The site comprising the accessory parking lot (lots 10, 800 and 801) is located at the northwest corner of the intersection of 9th street S.E. and Potomac Avenue, S.E. The site is in a C-M-1 District.

3. The subject accessory site comprises three adjacent lots. Lot 10 is irregularly shaped with a frontage of 45 feet along 9th street and 30 feet along Potomac Avenue. Lot 800 is rectangular with a frontage of 30 feet along Potomac Avenue, and a depth of 66.35 feet. Lot 801 is basically rectangular with a frontage of 18 feet along Potomac Avenue, and a depth of 71.04 feet. The frontages of all three lots on Potomac Avenue and 9th street S.E. are in public space.

4. The accessory parking lot site is vacant and unimproved except for bumper guards on an adjacent building and wheel stops.

5. The C-M-1 District extends in all directions from the subject site.

6. The applicant is renovating and enlarging a building from 17,000 square feet to 29,500 square feet for office use at premises 810 Potomac Avenue, S.E.

7. The office building is approximately 75 feet from the subject accessory parking site.

8. The applicant proposes to use the parking lot as accessory parking for the office building. Such a use requires a special exception pursuant to Sub-section 8207.2 of the Zoning Regulations.

9. Sub-section 7205.4 of the Zoning Regulations states, in pertinent part, that: open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere provided:

It is not practical to locate such spaces in accordance with Sub-section 7205.2 because of: unusual topography, grades, shapes, size, or dimensions of the lot; the lack of an 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 design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties. -- 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. -- Such 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 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.

10. Zoning Regulations require 13 parking spaces for the office building. The structure occupies the entire site so that it is not practical to locate the required parking

on the same lot. Underground parking in the office building could not accommodate more than eight cars.

11. There are no lots available for parking which are adjacent to or separated only by an alley from the office building.

12. The proposed parking lot will result in less adverse impact on neighboring properties since it will not only be a convenience to tenants and guests in the office building; it will accommodate cars that might otherwise park on neighborhood streets creating traffic congestion.

13. The applicant is leasing the entire office building to the United Planning Organization (UPO) for a ten year period.

14. UPO is a non-profit community action agency providing social and educational services to indigent and senior citizens in the District of Columbia. UPO operates the Head Start Program for D.C.; is the designated recipient of the Community Services Block Grant from the Federal government through the D.C. government; provides jobs training; housing and housing rehabilitation programs; provides transportation and feeding programs for seniors--both in-house and out-bound; drug-rehabilitation; educational programs for AFDC recipients and a myriad of other programs.

15. One hundred and twenty-five UPO employees occupy the subject site. Forty-two employees live outside of the District of Columbia. Twenty-five employees live more than ten miles away from the subject site.

16. The applicant also seeks a variance from sub-section 7206.5 of the Zoning Regulations to reduce the aisle width requirements from 20 feet to 15 feet for the parking lot.

17. Sub-section 7206.5 states in pertinent part that when required parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of two or more parking spaces, or more parking spaces and the perimeter of the area devoted to parking spaces, such aisle shall have a clear width of not less than twenty feet for ninety degree angle parking.

18. The applicant is providing on the parking lot 33 parking spaces, or 20 more than are required. Eighteen of these spaces will be located on the site owned by the applicant, the balance are located in public space.

19. The D.C. Public Space Maintenance Administration has approved a request to lease on a yearly basis the public space that is adjacent to the subject lot fronting on

is also seeking a special exception which the ANC did not address. Since the ANC failed to list issues and concern and did not address the special exception the Board cannot give "great weight" to the ANC recommendation to which the ANC is entitled by statute.

27. One letter from a neighboring property owner was submitted to the record in support of the subject application on the condition that the grant would not establish a precedent for similar situations to occur in the area. In response the Board finds that each case is decided on its own merits.

28. There was no opposition to the application at the Public Hearing or of record.

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 to use the subject lots as accessory parking spaces for an office building located in the same square. The granting of such a special exception requires a showing through substantial evidence that the proposed use satisfies the requirements of Sub-section 8207.2 and 7205.4 of the Zoning Regulations.

The Board concludes that the applicant has met the burden of proof. The application has demonstrated that it is not practicable to locate the parking spaces on the same lot as the office building. The existence of an office structure with required parking which occupies the lot precludes the location of accessory parking on the same lot as the office building. The site of the proposed accessory parking spaces is 75 feet away from the office structure intended to serve. The Board further concludes that granting the proposed special exception 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. The Board further concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met its burden of proof. The practical difficulty is inherent in the land because of its small size and unusual configuration resulting from the public space located at the fronts of the lots. The Board notes the lack of opposition.

Potomac Avenue and 9th street. Twelve of the 33 parking spaces will be located on the public space. Three parking spaces will be located partially on the public space and partially on the applicant's lot.

20. Fourteen of the parking spaces provided on the privately owned lot do not have the required aisle width of 20 feet.

21. Although most parking spaces on the subject lot will be used by employees of UPO, visitors to UPO's offices will also park there. Spaces for visitors will be located as conditioned below so as to be most easily accessible to the offices.

22. Landscaping will consist of boxwood hedges bordered by six foot tall spruce trees.

23. In a memorandum dated October 9, 1985, the Department of Public Works (DPW) reported that it did not expect any adverse conditions to result from the location of the parking lot or in the aisle width reduction. It noted that the lot is currently in use as a parking lot and does not appear to pose any adverse traffic conditions. The office building in question is located in a somewhat isolated area, near the Washington Navy Yard which does not have a significant on-street parking demand or traffic volumes which could cause conflict with the proposed use. The DPW recommended that the lot be paved and striped according to the requirements of the Zoning Regulations. The landscaping requirements may be reduced. However, DPW recommended that the landscaping which is provided surround the perimeter of the lot.

24. The DPW also reported as to the traffic system which is in place in the area of the subject site. The site is bounded on the north by L Street, on the south by M Street, on the east 9th Street and on the west by 8th Street, Southeast. L Street and 9th Street are local streets with minimal daily traffic and unrestricted street parking. M Street is a minor arterial with an average daily traffic volume (ADT) of 25,600 vehicles and 8th Street is a collector street with an average daily traffic volume of 13,700 vehicles.

25. The Board concurs with the reasoning and recommendation of the DPW. It also notes that the landscaping requirements do not need to be reduced and that landscaping shall surround the perimeter of the lot.

26. By letter dated September 13, 1985, ANC 2D reported that it voted unanimously not to object to the variances requested by the applicant. No reasons were stated for its support. The Board notes that the applicant

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the parking spaces designated as Nos. 1, 2 and 3 on the parking layout marked as Exhibit No. 30 of the record shall be reserved for visitors.

VOTE: 4-0 (Lindsley Williams, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; 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 DEC 1985

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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