

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14440, 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, 82, 83, 84, and 85, and parts of Lots 81, 800, 801, and 835).

HEARING DATE: June 25, 1986
DECISION DATE: July 2, 1986

FINDINGS OF FACT:

1. The 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 property is currently being used as a parking lot pursuant to BZA Order No. 14181, dated April 1, 1986.
3. The applicant proposes to continue the use of the property for parking purposes.
4. The lot is approximately 17,500 square feet in area 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 first granted a variance from the provisions of Sub-paragraph 4101.413 prohibiting all-day commuter parking in BZA Order No. 13816. The applicant requested that the variance relief be continued. Approximately one-third of the total number of spaces are leased on a monthly basis.
6. The area surrounding the lot includes office, retail, and service uses to the south and west and primarily residential uses to the north and east. These are insufficient generators of short-term parking to create enough demand to fill the entire lot.
7. The southwest corner of the 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 Parking Management, Inc. (PMI) from 7:00 A.M. to 6:00 P.M., Monday through Friday. On evenings 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 parking lot provides the Church with income needed to maintain the operation of its N Street ministries.

9. The Church is not now planning 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 other ministries now operated in the aforementioned town houses. However, the cost of modernizing the Church's existing structures has made it improbable that a new, large structure will be built. Instead, the Church eventually plans to develop the properties in a row house manner, complementing the existing row house structures owned by the Church.

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

11. A representative of the Logan Circle Community Association (LCCA) expressed the group's opposition to the application for security reasons. After the public hearing, an agreement was worked out between the applicant and LCCA to install a cable and padlock across the 14th Street entrance to the lot and to secure the lock at 11:00 P.M. every night. The LCCA supports the application with these modifications.

12. There was no other opposition to the application.

13. Advisory Neighborhood Commission 2C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence in the record, the Board concludes that the applicant is seeking a special exception to continue to operate a parking lot in an SP District and a use variance to provide all-day commuter parking on part of the lot. In order to be granted such special exception relief, the applicant must demonstrate substantial compliance with the requirements of Paragraph 4101.41 of the Zoning Regulations

and that the relief can be granted as in harmony with the intent and purpose of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. As to the variance relief, the applicants must demonstrate that the property is affected by an exceptional situation or condition inherent in the property, that the strict application of the Zoning Regulations would result in an undue hardship upon the owner, and that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, or integrity of the Zoning Regulations and Map.

Paragraph 4101.41 of the Zoning Regulations authorizes the Board to permit the continued use of a parking lot in an SP District that was in existence on October 5, 1978, for a period not to exceed ten years from the date that the present Certificate of Occupancy expires provided that:

4101.411 Such use is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions;

4101.412 The present character and future development of the neighborhood will not be affected adversely by the use; and

4101.413 The parking facility serves either residential uses or provides short term parking for retail, service and public facility uses, but does not provide all-day commuter parking.

The Board concludes that the application as hereinafter conditioned will substantially comply with the requirements of Sub-paragraphs 4101.411 and 4101.412. 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 affect adversely the use of neighboring property.

As to the use variance relief, the Board concludes that the lack of demand for short-term parking by other uses in the area is sufficient to prove undue hardship upon the owner, which arises from the property itself. 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 terminating on April 1, 1990.
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 lot shall be secured with a cable and padlock across the 14th Street entrance to secure the lot. The operator shall inspect the lot every night at 11 P.M. to insure that the lot is properly secured.
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: 5-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell, and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

AUG 25 1986

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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