

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14541, of A & A Hardware, Inc., pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the loading berth and loading platform requirements (Sub-section 7302.1) for a proposed addition to an existing warehouse located at 6403 Chillum Place, N.W., (Square 3371, Lot 54), and a special exception under Sub-section 7205.4 to locate two required parking spaces for the addition at 6250 Chillum Place, N.W., (Parcel 115/232), a site other than the lot on which the proposed addition is located, both sites being in a C-M-1 District.

HEARING DATE: January 21, 1987
DECISION DATE: January 21, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The principal site known as premises 6403 Chillum Place, N.W., (Square 3371, Lot 54) is located at the east side of Chillum Place north of Sheridan Road. The accessory site known as premises 6250 Chillum Place, N.W. (parcel 115/232), is located at the west side of Chillum Place. Both sites are located in the C-M-1 District.

2. Lot 54 is rectangular in shape with a frontage of 39.48 feet along Chillum Place and a depth of approximately 140 feet. A 16 foot wide public alley is located to the rear of the site. The site is improved with a single story warehouse measuring 39.64 feet by 140 feet. This structure serves as an accessory warehouse to the structure at 6250 Chillum Place.

3. Parcel 115/232 is located diagonally across the street from lot 54 at a distance of approximately 200 feet. This parcel is basically rectangular in shape with a frontage of 192.25 feet along Chillum Place. It is improved with a warehouse structure.

4. Pursuant to Paragraph 8207.11, the applicant is seeking a variance from the loading berth and platform requirements (Sub-section 7302.1) to construct a proposed addition to the existing warehouse at lot 54.

5. The proposed addition is a 20 foot addition to the front of the warehouse at grade level with a second floor extending 68 feet from the front of the addition over the top of the existing warehouse.

6. The entry gate to the loading dock area of the existing warehouse is approximately ten feet, six inches wide.

7. The proposed addition to the warehouse would provide a vehicular access width of 12 feet at the property line extending 20 feet into the building but would not provide for modification of the forward interior of the existing warehouse structure. The net effect is a loading berth defined by the smallest width dimension at the old structure of approximately ten feet, six inches by 30 feet in length.

8. The storage and dispersing operations from the warehouse will be by smaller (less than 18 feet long) service type vehicles accommodating store returns, deliveries and moving overflow from the larger warehouse at 6250 Chillum Place, N.W. A wider loading berth is not deemed essential to operations since major deliveries (tractor-trailer) and control of incoming inventory will continue to take place at the principal docking facilities at 6250 Chillum Place, N.W. An examination of the existing building at 6403 Chillum Place, N.W., by licensed architects and engineers indicates that a modification of the existing warehouse front to facilitate a wider and higher loading berth would require major structural modifications. The cost of such changes are sufficiently excessive to cause the new addition to become impractical in terms of the return expected from its intended use.

9. Pursuant to Sub-section 8207.2 of the Zoning Regulations, the applicant is seeking a special exception under Sub-section 7205.4 to locate two required parking spaces for the proposed addition (6403 Chillum Place) at the second site (6250 Chillum Place).

10. The proposed addition to the existing warehouse at 6403 Chillum Place, N.W., would encompass that area presently identified to accommodate the requirements for parking set forth in Section 7202.1 of the Zoning Regulations. After the proposed addition is complete, the parking requirement could be met with provision for interior parking. The use of interior warehouse space for parking negates the convenience and space advantage provided by the proposed addition to the warehouse and would create an unsafe situation if in fact the two parking spaces ever had to be used.

11. The design capacity for parking at 6250 Chillum Place, N.W., is fifty-five spaces. The Zoning Regulation requirements for parking at 6250 Chillum Place, N.W., are 40 spaces. The number of parking presently used by the owner is considerably less. Therefore adequate parking is available in the immediate area to accommodate the requirement for two parking spaces for 6403 Chillum Place, N.W.

12. Advisory Neighborhood Commission (ANC) 4B submitted no report on the application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record and the findings of fact, the Board concludes that the applicant is seeking an area variance to prescribed loading berth and platform requirements of Section 7302 and a special exception to prescribed parking requirements of Section 7205.

Under Paragraph 8207.11, the Board has the power to grant an area variance if the strict application of any regulation would result in practical difficulties to the owner, provided that such relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan. Sub-section 7302.1 requires one loading berth at 12 feet by 30 feet and one loading platform at 100 square feet. None will be provided necessitating a variance of 100 percent.

The Board concludes that the applicant has met the burden of proof. The intended use of the building 6403 Chillum Place as a supplemental warehouse would not require the loading berth and platform to meet the requirements of Section 7302.1. Further, to enforce the requirements of Section 7302.1 in this case would, because of costs involved, negate the proposed addition at some considerable hardship, inconvenience and warehousing safety risks for A&A Hardware. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The granting of a special exception requires substantial evidence that the applicant has complied with the requirements of Sub-section 7205.4 and 8207.2. Sub-section 7205.4 provides 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:

7205.41 It is not practical to locate such spaces in accordance with Sub-section 7205.2 because of:

7205.411 Unusual topography, grades, shape, size, or dimensions of the lot;

7205.412 The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or,

7205.413 Traffic hazards caused by unusual street grades; or

7205.414 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;

7205.42 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;

7205.43 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.

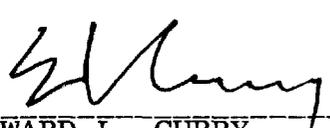
The Board concludes that the applicants have met the burden of proof. It is not practical for safety reasons and economy of space reasons to locate required parking in the interior of an operating warehouse when adequate parking can be provided at a reasonable distance (approx. 200') from the warehouse.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property. Accordingly it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 13 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, John G. Parsons and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: MAR 5 1987

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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