

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14645 of, So Kwang Park, pursuant to Section 3108.1 of the Zoning Regulations for a special exception under Section 726 to allow modifications and an addition of a food store to an existing gasoline service station in the C-2-A District at premises 3646 Georgia Avenue, N.W. (Square 2897, Lot 147).

HEARING DATE: July 29, 1987

DECISION DATE: September 2, 1987

FINDINGS OF FACT:

1. The site is known as premises 3646 Georgia Avenue, N.W. and is located at the southwest corner of Georgia and New Hampshire Avenues, N.W. It is in a C-2-A District. The site is irregularly shaped with frontage along Georgia and New Hampshire Avenues. A 15 foot wide public alley is adjacent to the rear of the site. The alley leads out to Georgia Avenue and Princeton Place, N.W.

2. The site is improved with a three bay colonial style gasoline station. Two pump islands are provided on the site. The Georgia Avenue C-2-A commercial district in which the site is located is developed with a variety of commercial uses. An R-4 District, improved with apartments and row dwellings, is located to the west of the site across New Hampshire.

3. By BZA Order No. 9928-29-30, dated November 29, 1969, the Board allowed the establishment of a gasoline station on the site. Prior to the establishment of the gasoline station the site had been used as a drug store.

4. The applicant is seeking a special exception to modify the use of the site by deleting one of the existing garage bays and adding a two-story addition which would be used for convenience store and related purposes.

5. The applicant intends to demolish all but 711 square feet of the existing structure and to add an additional 2,926 square feet for a total of 3,637 square feet in the newly configured building. The proposed structure would comply with all aspects of the current Zoning Regulations.

6. The Zoning Administrator has determined that special exception relief is required in order to allow modification of the previously approved service station use. The proposed additional use, a convenience store, is a matter-of-right in the C-2-A District.

7. The site's main entrance is oriented toward Georgia Avenue in the C-2-A District. The station is approximately 55 feet from the nearest residential district.

8. The driveways and exits on the site are more than 40 feet away from the intersection of Georgia and New Hampshire Avenues. In addition, the entrances and exits are more than the required 25 feet from the nearest residential district.

9. Under Section 2101 of the Zoning Regulations, two parking spaces are required on the subject site for gasoline station and retail store use. Applicant proposes to provide the required two spaces plus one compact car space located on the west side of the gasoline station requirements. Additional parking is available on New Hampshire Avenue and in the immediate vicinity of the site.

10. The applicant stated that he would adhere to the conditions of the previous BZA Order to assure that the project did not have an adverse impact on the neighboring community. Applicant proposes to build the addition to the structure in a manner that is compatible with the neighborhood and its immediate setting.

11. By memorandum dated July 21, 1987, the Office of Planning recommended approval of this application. The Office of Planning reported that the proposed convenience store use at the site allowed as a matter-of-right and that the proposed building addition would conform to the requirements of the Zoning Regulations. It is Office of Planning's opinion that the overall use of this site is not likely to impact on the surrounding area.

12. There was no report from affected Advisory Neighborhood Commission 1A on this matter.

13. Several witnesses testified on behalf of the applicant and recommended approval of the application. These witnesses were local community residents who supported the application on the basis of its proposed design and use. A petition was submitted to the record in support of the application.

14. There was no opposition to the application at the public hearing. A letter from a neighbor and petition in opposition were submitted to the record on the grounds that the use was not needed by the community and that the foodstore will cause trash problems and higher crime in the area. The Board finds that a food store is permitted as a matter-of-right. The Board further finds that no probative evidence has been offered to demonstrate that the food store will cause severe trash or crime problems in the area.

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 allow modification and an addition of a food store to an existing gasoline service station located in the C-2-A District. In order to be granted such an exception, the applicant must demonstrate that he has complied with the requirements of Section 3108.1 of the Zoning Regulations and Sub-section 726 of the Zoning Regulations.

The Board concludes that the applicant has met the burden of proof. No objectionable traffic conditions will result from the granting of the application. Three parking spaces are provided which have adequate access to the traffic corridors. This site is so located that the operation of the gasoline station and store will have no objectionable impact on adjacent and nearby properties due to noise, activity, visual or other conditions. It is located more than 25 feet from the residential district and has been recommended for approval by the Office of Planning.

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 ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked Exhibit No. 21 of the record.

VOTE: 5-0 (Lindsley Williams, William F. McIntosh, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to approve).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

DEC 22 1987

UNDER 11 DCMR 3103.1, "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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