

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14998 of Ik Bae Kim, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to establish an accessory parking lot for tenant use in an R-1-B District at the rear of 6400 Georgia Avenue, N.W., [Square 2945, Lots 836 and 842 (852)].

HEARING DATE: May 24, 1989
DECISION DATE: July 5, 1989

FINDING OF FACTS:

1. The subject site is located to the rear of 6400 Georgia Avenue, N.W. The subject site is comprised of two lots, 842 and 836, which have been combined into a larger lot 852. The parking lot is located on the portion of the property formerly comprising lots 842 and 836.

2. There is a building at 6400 Georgia Avenue to which this parking lot would be accessory. It is a two-story plus basement structure with retail uses on the first floor and office uses on the second floor. The basement of the structure is used for a church.

3. The subject lot is located in an R-1-B zone. The strip along Georgia Avenue near the site is zoned C-2-A and is developed with commercial uses. The area immediately to the west is zoned R-1-B and it is developed with single family dwelling units.

4. The subject lot is 104.64 feet along its western side. Tuckerman Street borders the lot to the south. A 16-foot public alley is located to the north. There is a 20-foot public alley on the eastern border of the lot which separates it from the building to which it is accessory.

5. The subject property has been operating as a parking lot under previous Board approval since 1977. The most recent order expired in 1985. The applicant acquired the property in October of 1987. Since that time the lot has been dirty and poorly maintained because the lot was open on three sides and the applicant has had no authority to control the use of the lot. Trash, trees and various

types of debris have been dumped onto the property over time.

6. The applicant closed off one side of the lot where there is an iron fence. He also lit the lot to facilitate control by the police.

7. The applicant proposes to re-establish the parking lot for use by the tenants of the building. The applicant plans to clean, pave and stripe the lot. A fence will be erected so that only those who are authorized to use the lot will have access. According to the Surveyor's Plat in the record, there will be a total of 33 spaces. These spaces will be used by the church members in the evening hours on Thursday, Friday and Saturday, and in the morning on Sunday. The parking spaces will be designated for use by the tenants at other times of the day. The applicants' property manager will maintain the lot, keeping it clean and supervising its use. Debris will be removed twice a week or more often if necessary.

8. Access to the lot will be from Tuckerman Street.

9. The office of Planning (OP), by report dated May 16, 1989 and through testimony at the hearing, recommended approval of the subject application. The Office of Planning noted the following:

- a. The subject lot is located in its entirety within 200 feet of a C-2-A commercial district and is separated from it by a twenty foot public alley. The larger lot 852 is, however, not located in its entirety within 200 feet from the commercial district along Georgia Avenue.
- b. The parking lot is separated by a public alley from the 6400 Georgia Avenue structure to which it is accessory.
- c. The Georgia Avenue commercial strip at this location is shallow and does not lend itself to providing sufficient accessory parking.
- d. The application was referred to the Department of Public Works which found upon inspection of the lot that it was not striped and that it was poorly maintained.

10. The Office of Planning (OP) recommended that the application be approved, with conditions, for a period of one year. Renewal is to be at the discretion of the Board so that maintenance of the parking lot and the impact on the neighborhood can be monitored and reviewed. The following conditions are recommended by OP:

- a. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- b. The parking lot shall be provided to the west and to the south with a brick fence that shall be maintained in good repair. Bumper stops shall be erected and maintained.
- c. The parking lot shall be provided with stripes demarcating all parking spaces clearly.
- d. 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.
- e. 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.
- f. 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.

The Board concurs with the recommendation of the Office of Planning.

11. Advisory Neighborhood Commission (ANC) 4A, by memorandum dated May 16, 1989, and through testimony at the hearing made a motion to have the hearing postponed until the applicant complied with the conditions for parking facilities as set forth in the Zoning Regulations. The Board denied the motion and the ANC opposed the application until the lot is brought up to standards.

12. The Board recognizes that the parking lot has not been well maintained but does not agree with the ANC's position that the application should be denied until the lot meets the requirements of the Regulations.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and evidence of record the Board concludes that the applicant is seeking a special exception to establish a parking lot in an R-1-B

zoning district as accessory parking to a building containing retail; office and church uses. The granting of such a special exception requires a showing through substantial evidence that the proposed use is 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 applicant must also meet the requirements of Section 213 regulating accessory parking spaces.

The Board concludes that the application meets the standards for granting the requested special exception. The Board concludes that the accessory parking spaces are in an open area which does not extend above the level of the adjacent finished grade. The parking spaces are located entirely within 200 feet of the building to which they are accessory. The Board concludes that the parking lot and building are separated only by an alley.

The Board concludes that it is economically impracticable to locate accessory parking spaces within the principal building or on the same lot with the building because of the restricted size of the lot. The Board concludes further that the accessory parking spaces are located and the nearby facility is designed so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

The Board is of the opinion that to establish the parking lot will give the applicant the control needed to prevent its use for dumping trash and abandoning vehicles. It will also provide parking for the tenants and those who frequent the building. Therefore, the Board concludes that the special exception will be in harmony with the purpose and intent of the Zoning Regulations and Maps.

The Board concludes that the applicant will clear and stripe the lot, erect a fence to secure it, and maintain the area so that granting a special exception to establish an accessory parking lot will not tend to adversely affect the use of neighboring property.

The Board concludes that it has accorded the ANC the "great weight" to which is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.
2. All areas devoted to driveways, access lanes, and parking areas shall be re-paved with a paving of material forming an all-weather impervious surface and shall be maintained in good condition at all times.

3. The parking layout shall be in accordance with the plat marked as Exhibit No. 33B of the record. All parking spaces shall be demarcated with striping.
4. The existing brick fence shall be repaired and maintained in a neat and orderly manner. Wheel stops shall be erected and maintained.
5. 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.
6. 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.
7. 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 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to grant; Maybelle Taylor Bennett to grant by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

NOV 7 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

14998order/BHS13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14998

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated NOV 7 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Ik Bae Kim
4724 Montgomery Street
Annandale, Virginia 22033

Harold Jones
1346 Tuckerman Street, N.W.
Washington, D.C. 20012

E. Ned Sloan, Chairperson
Advisory Neighborhood Commission 4-A
5804-B Georgia Avenue, N.W.
Washington, D. C. 20011

A handwritten signature in black ink, appearing to read "ELC", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: NOV 7 1989