

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15054 of the Shell Oil Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 726.1 to reconstruct an existing gasoline service station in a C-2-A District at premises 6419 Georgia Avenue, N.W., (Square 2975, Lot 6).

HEARING DATE: July 7, 1989  
DECISION DATE: July 7, 1989 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of Georgia Avenue and Piney Branch Road, N.W. It is known as premises 6419 Georgia Avenue, N.W. and it is located in a C-2-A District.
2. The subject property is triangular in shape and contains an existing gasoline service station constructed around 1938. The site contains 8,483 square feet of land with a lot occupancy of 30 percent or 2,624 square feet. There are two pump islands located on the southern portion of the site. One of the pump islands is parallel to Georgia Avenue and the other is parallel to Piney Branch Road. Each pump island contains three single-product dispensers. There is a structure on the site which contains an office and three service bays.
3. This C-2-A District extends to the north and south of the site along both sides of Georgia Avenue. To the north, along the east side of Georgia Avenue, is a fast food restaurant and major grocery store. Along the west side of Georgia Avenue is a rental post box office, a 7-11 store, an insurance agency, a parking lot, a bank, a barber shop, two video stores, and a drive-through bank. To the south, along the east side of Georgia Avenue, is a gasoline service station, a three-story medical office building, a sewing goods store, a realtor, and a carry-out restaurant. Along the west side of Georgia Avenue to the south are two gasoline service stations, one of which includes car wash facilities.
4. The applicant intends to remove the existing improvements and construct a modern, state-of-the-art gasoline service station. The gasoline service station will

have two pump islands, both located on the southern portion of the site and both parallel to Georgia Avenue, with one pump island located closer to Piney Branch Road. The pump island closest to Georgia Avenue will have two multi-product dispensers, and the other pump island will have one multi-product dispenser. The pump islands will be covered by a canopy to protect customers from the elements and allow the pumping of gas in all weather conditions. The canopy will be lighted, and the lighting will be directed downward onto the site.

5. The applicant will also construct a 20 foot by 50 foot building. The building will contain the cashier's booth, as well as a store which will sell automobile accessories and convenience food items. The structure will also contain storage areas, coolers and restrooms. There will be no food preparation on the premises. The retail sales use is permitted as a matter-of-right in a C-2-A District.

6. There are four existing curb cuts on the site. Two curb cuts are located on Georgia Avenue, the other two are located on Piney Branch Road. The applicant proposes no changes to the existing curb cuts. An enclosed trash receptacle will be located at the northeast corner of the site, and the applicant will improve the landscaping on the site.

7. The use is located more than 25 feet from a residence district. The gasoline station is located adjacent to a residence district to the east. The canopy structure is located 32 feet away. There is also a residence district to the west of the site. It is separated by Georgia Avenue and by more than 25 feet.

8. The applicant's traffic consultant conducted a traffic analysis and testified at the hearing about his findings. He noted that a peak hour trip rate of 50 vehicles entering and 50 vehicles leaving the service station would be normal according to studies in the Washington Metropolitan area. The improvements could be expected to increase business by 10-15 percent. Using the larger value the additional peak hour trips would be as follows:

- a. Three cars will make a right turn into the station from Georgia Avenue and three cars will leave the station by making a right onto Georgia Avenue.
- b. One car will make a left turn into the station from Georgia Avenue and one car will make a left turn onto Georgia Avenue from the station.

- c. Four cars will make a right turn from Piney Branch Road into the station and four cars will leave the station by turning right onto Piney Branch Road.

The traffic consultant indicated that 90 percent of the new traffic will come from vehicles that are already on the road and that the additional traffic through the principal intersection of Georgia Avenue and Piney Branch Road would be one vehicle during the peak hour. It was concluded that this minimal volume would have no effect on traffic operating conditions.

9. The applicant indicated that the proposed use is designed so that the appearance, screening, lighting, landscaping and other features of the station will not adversely affect any of the neighboring property owners. The renovation of the gasoline service station will improve its existing condition and appearance. The lighting under the canopy, as well as the other lighting on the site, will be directed downward, and will be confined to the site. In addition, the applicant will improve the landscaping on the site with shrubbery so as to improve its appearance.

10. The Zoning Regulations require that three parking spaces be provided. The applicant will provide these spaces on the northern and northeastern portion of the site. There is a handicapped parking space adjacent to the building. All spaces are designed to be accessible at all time.

11. The curb cuts are located more than 40 feet from the street intersection. The eastern curb cut on Piney Branch Road is located less than 25 feet from a residence district but it meets the requirements because this use predates the Zoning Regulations and the adjacent residence district.

12. There will be no grease pits or hoists on the site.

13. The applicant testified that the gasoline station will be in harmony with the general purpose and intent of the Zoning Regulations and that the proposed renovation will not tend to adversely affect the use of neighboring property. The applicant stated further that the proposed reconstruction will simply continue the present use and improve the appearance and function of the site. Since the site is located on an active commercial strip, the reconstruction of the station will not adversely affect neighboring uses.

14. The Office of Planning, OP, by memorandum dated June 20, 1989 and through testimony at the hearing recommended approval of the application. The OP was of the opinion that the proposed reconstruction of the gasoline

station is not likely to have adverse impact on the surrounding neighborhood. Approval was recommended with the conditions that:

- a Landscaping along Piney Branch Road and Georgia Avenue will be provided and maintained; and
- b. Light on the premises will be directed to the ground so as not to create adverse impact on the surrounding area.

The Office of Planning also suggests that the applicant resurface the eastern most driveway on Piney Branch Road as recommended by the Department of Public Works. The Board concurs with the recommendation of the Office of Planning.

15. The Department of Public Works (DPW) by report dated April 28, 1989 stated no objection to the proposed application. DPW recommended that the eastern most driveway on Piney Branch Road be resurfaced by the applicant. DPW was of the view that reconstruction of the station from a transportation perspective, should not generate additional traffic and should not significantly impact the traffic conditions that already exist.

16. Advisory Neighborhood Commission (ANC) 4B, by letter dated June 6, 1989, expressed opposition to the subject application. The ANC indicated that many issues were discussed. These issues ranged from the ANC's view that Shell Oil Company has more of an interest in opening the convenience store than in replacing the gas station, to a concern that Shell Oil's parent company is financing the practice of apartheid in South Africa. Responding to the concerns of the ANC, the Board finds that the convenience store is permitted as a matter-of-right and the applicant's involvement in apartheid is not an issue before the Board. Therefore, the Board does not concur with the recommendation of the ANC.

17. The Metropolitan Police and Fire Departments expressed no objection to the application.

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 reconstruct an existing gasoline service station in a C-2-A District. 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 provisions of Sections 726 and

706, and Chapter 23 of the Zoning Regulations must also be complied with.

The Board concludes that the applicant has met the requisite burden of proof. The subject gasoline station is located in a C-2-A District which permits medium density community business centers. The proposal to reconstruct the gas station is consistent with the use permitted in this Zone District. The Board therefore concludes that the proposed reconstruction is in harmony with the general purpose and intent of the Zoning Regulations and Maps.

The Board concludes that the application meets the requirements of Sections 726 and 706 as well as Chapter 23 of the Zoning Regulations. It is therefore the opinion of the Board that granting the special exception will not tend to affect adversely the use of neighboring property in accordance with the Regulations and Maps.

The Board has afforded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant, Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

JAN 19 1990

FINAL DATE OF ORDER: \_\_\_\_\_

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.

15054order/BHS15

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15054

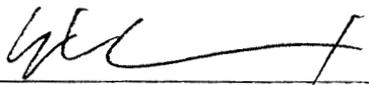
As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JAN 19 1999, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY  
Executive Director

DATE: JAN 19 1999