

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15287, as amended, of So Kwang Park, pursuant to DCMR 3108.1, for a special exception under Section 726 for an addition to an existing auto repair garage in a C-2-A District at premises 3646 Georgia Avenue, N.W., (Square 2897, Lot 147).

HEARING DATE: April 5, 1990  
DECISION DATE: July 11, 1990

**FINDINGS OF FACT:**

1. The subject site is located at the intersection of Georgia and New Hampshire Avenue, N.W. It is known as premises 3646 Georgia Avenue, N.W. and it is zoned C-2-A.

2. The lot is triangular in shape. The widest portion, or base of the lot, is to the south and it narrows toward the north. The lot is comprised of approximately 10,413 square feet in area. The southern portion of the site contains a structure that accommodates three automobile service bays and office space. At the northern portion there are fuel pumps for gasoline service. There are four points of vehicular access to the site - two on Georgia Avenue and two on New Hampshire Avenue.

3. The site is located within a strip of land zoned C-2-A along Georgia Avenue and developed primarily with lowrise buildings containing a variety of commercial uses. These uses serve the residential area developed primarily with row houses located on both sides of the commercial strip on Georgia Avenue.

4. Presently, the automobile repair facility is functioning. The gasoline service station which has existed in conjunction with the repair garage since 1969, has not been operational for some time.

5. The applicant proposes to reinstate the gasoline service station, construct an addition to modify and expand the auto repair garage and accommodate a grocery store. In the C-2-A District, commercial and office uses are allowed as a matter-of-right. A special exception is required for gasoline service stations and automobile repair garages.

6. The applicant is proposing to expand the existing 1,550 square foot structure on both sides (to the east and west) and to the rear. The proposed structure would contain 3,374 square feet. The addition to the east would also contain 500 square feet of basement space for storage. The convenience store will be located in the addition to the east toward Georgia Avenue. The addition to the west, on the New Hampshire Avenue side, will function to

enclose the existing outdoor parking spaces into the proposed structure. The two side additions would be interconnected with an eight-foot wide corridor at the rear. This corridor will eliminate the present rear yard.

7. The applicant will provide twelve (12) parking spaces. Nine spaces will be located outdoors, three will be indoors. The northern most driveway on New Hampshire Avenue must be closed to accommodate two of the outdoor parking spaces.

8. The hours of operation for the gas station and auto repair garage will be from 8:00 A.M. to 9:00 P.M. The applicant testified that he will employ some of the young people from the community. He also indicated that he has received no complaints about his operations.

9. The Office of Planning (OP), by report dated April 20, 1990, recommended denial of the application. OP based its report on the initial submission by the applicant which consisted of eleven parking spaces. OP noted that the six outdoor spaces would obstruct the driveways which are necessary for proper functioning of the gasoline station. OP also noted that the five indoor parking spaces would be stacked and inaccessible for normal use. Further, it is not clear whether the spaces were designed to function as storage for cars in need of repair or for normal customer parking. In OP's view, the arrangement of the parking spaces, as initially proposed, is deficient and would impact adversely on use of the gasoline station.

OP pointed out that the proposed addition to the structure would eliminate the rear and side yards. In the opinion of OP, this would restrict light and air for the row houses located to the rear of the property facing New Hampshire Avenue.

OP further pointed out that the site is located in one of a number of Development Areas as identified by the Comprehensive Plan. Also, the site is located across the street from a proposed future Metrorail station on the Green Line. In OP's opinion, a gasoline station or an automobile repair use at the site is less than ideal for this location. The proposal represents an intensification of the use at the site in a manner that would have an adverse impact on the surrounding area. The Office of Planning therefore recommends denial of the application.

10. The Department of Public Works (DPW), by memorandum dated May 23, 1990, recommended that the application, as initially proposed, be denied. DPW stated that blocking three driveway entrances to the site with parking spaces is an unacceptable condition. DPW further stated that the location of the site near a major intersection and future Metrorail station makes the department especially concerned with the impact of the inadequate

circulation system on vehicles and pedestrians in the area. DPW concluded that there would be substantial conflict between vehicles accessing the gas pumps, those accessing the convenience store and those accessing the repair garage. The initial proposal was therefore rejected.

11. By letter dated June 1, 1990, the applicant noted the following revisions to the application: relocation of the gasoline pump islands and redesign of the parking facilities.

12. At its Public Meeting of June 6, 1990, the Board reopened the record to allow the applicant to work with DPW in an effort to resolve the issues raised by DPW.

13. By memorandum dated July 3, 1990, the Department of Public Works commented on the revised site plan. DPW noted that the revised site plan includes twelve parking spaces to accommodate the proposed uses on-site. In addition, the northern-most driveway on New Hampshire Avenue will be closed. DPW stated that it has no objection to those provisions, however the department remains concerned about the circulation system for the site. DPW therefore recommends that the applicant move the proposed gasoline pump island closer to Georgia Avenue and create angular parking along the New Hampshire Avenue frontage of the site. DPW considers this to be a superior design for the site, resulting in a better circulation system.

14. Advisory Neighborhood Commission (ANC) 1A did not submit a written statement of issues or concerns or otherwise request to be treated as a party in this proceeding.

15. A neighbor, residing at 3628 New Hampshire Avenue, N.W., testified that the applicant runs an orderly business and that he has done positive things in the community. The applicant has been known to assist the elderly when they have had car trouble.

16. No one testified in opposition 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 for an addition to an existing auto repair garage. The applicant also proposes to operate a gasoline service station at the subject site. The granting of 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 Chapter 23 and Section 706 regulating gasoline service stations must also be met.

The Board concludes that the applicant has met the burden of proof established for the requested special exception. The Board concludes that the applicant presently operates an auto repair garage and that a gasoline station was previously operated at the site. The Board concludes that the C-2-A district in which the property is located, is designed as a community business center district. The Board therefore concludes that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps.

The Board concludes that the applicant has revised the site plan to better address the concerns of the Department of Public Works regarding the location of the parking spaces in relation to the gas pump islands and the attendant problems with circulation on the lot.

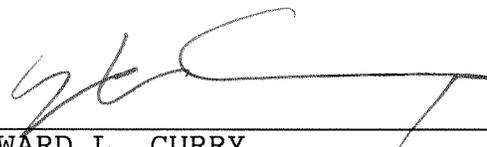
Finally, the Board concludes that the proposed use will not adversely affect the use of neighboring property.

In accordance with the above findings of fact, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that Exhibit No. 29B is further revised to locate the proposed gasoline pump island closer to Georgia Avenue and create angular parking along the New Hampshire Avenue frontage of the site to the satisfaction of the Department of Public Works.

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

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

ATTESTED BY:

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

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

APR 19 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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

**BZA APPLICATION NO. 15287**

**PAGE 5**

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.

15287Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 15287**

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 19 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

So Kwang Park  
1008 Farmhaven Drive  
Rockville, Maryland 20852

Keith S. Preddie  
3925 Georgia Avenue, N.W.  
Washington, D.C. 20011

Dorie Robinson  
765 Quebec Place, N.W.  
Washington, D.C. 20010

John L. Patterson  
3628 New Hampshire Avenue, N.W.  
Washington, D.C. 20010

Tedd Miller, Chairperson  
Advisory Neighborhood Commission 1-A  
3511 - 14th Street, N.W.  
2nd Floor  
Washington, D.C. 20010

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

EDWARD L. CURRY  
Executive Director

DATE: APR 19 1991

15287Att/bhs