

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15549 of D.R. Madden, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish a parking lot in an R-4 District at premises 704 17th Street, N.E. (Square 4510, Lot 826).

HEARING DATE: January 15, 1992
DECISION DATE: February 5 and March 4, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property is located on the west side of 17th Street between Gales Street and an east-west public alley approximate one-half block south of Benning Road. The property is known as premises 704 17th Street, N.E., and it is zoned R-4.

2. The property is topographically level and generally rectangular in shape with a frontage of 131 feet along 17th Street and a frontage of 37.4 feet along the public alley.

3. There is an existing curb cut accessing the lot from the public alley. The lot is currently unimproved. The applicant testified that the property was previously used for parking purposes.

4. The square in which the subject lot is located is split-zoned. The northern portion of the square fronting on Benning Road is zoned C-M-1 and is developed with a medical building and other small businesses. The southern portion of the square fronting on Gale Street is zoned R-4 and is primarily developed with single-family row dwellings. The general character of the area is mixed commercial and residential, consisting of small businesses, row dwellings, garden apartments and the Hechinger Mall across Benning Road.

5. The applicant is seeking special exception approval in order to use the lot for parking vehicles associated with the applicant's limousine and transportation services business, as well as to provide parking for doctors and staff from the nearby medical center at 1647 Benning Road.

6. The proposed parking lot would accommodate nine vehicles and would be fenced and landscaped with evergreen shrubbery.

7. The site is located in its entirety within 200 feet of a C-M-1 District and is separated from the C-M-1 District by a 20-foot wide public alley.

8. The applicant testified that the establishment of the parking lot would improve the appearance and security of the neighborhood based on the proposed landscaping and the establishment of an active use on a currently vacant site.

9. The applicant further testified that the proposed parking lot would help to reduce the impacts of overspill parking from the commercial area on the already overburdened on-street parking supply in the immediate neighborhood.

10. The Office of Planning (OP), by memorandum dated January 3, 1991, recommended conditional approval of the application subject to a favorable report from the Department of Public Works (DPW). The OP was of the opinion that the proposed parking lot would not have adverse impacts on the surrounding neighborhood. The OP recommended that the physical aspects of the lot, including landscaping, be adequately maintained by the applicant.

11. Advisory Neighborhood Commission (ANC) 6A did not file written issues and concerns relative to the application.

12. The record contains a petition, containing the signatures of nine tenants of 1647 Benning Road, N.E., in support of establishing parking at the subject site to serve tenants of the medical center.

13. The record contains a letter from the owner of the Greater Northeast Medical Center at 1647 Benning Road in opposition to the application based on the following:

- a. This use is inconsistent and incompatible with the surrounding residential and commercial uses and offers no benefits for property owners and businesses in the immediate area;
- b. This unsightly use is detrimental to surrounding property values and is counter to the efforts of property owners and community organizations to upgrade the neighborhood; and
- c. There is no compelling economic reason to locate a truck or car repair storage lot on the site because there are ample sites elsewhere in N.E. with suitable zoning to accommodate such a use at a reasonable cost.

14. The record contains a petition of 28 signatures of area residents in opposition to the application. The opposition was generally based on the following:

- a. There is ample parking on the lots of the medical center and proposed laundromat to accommodate their parking needs in the commercial zone.
- b. The proposed parking lot would exacerbate existing traffic conditions on the 17th Street thoroughfare.
- c. The parking lot is not well lit and could become a haven for unsavory characters creating security risks for residents and patrons of the lot.
- d. A parking lot would be an eyesore and would detract from the desirability of the area for potential new residential occupants.

15. The Board left the record open at the conclusion of the public hearing to afford the applicant an opportunity to submit a revised site plan and statement of intent. A report was requested from the Department of Public Works based on the revised plans. At its public meeting of February 5, 1992, the Board deferred consideration of the application until its March 4, 1992 public meeting because the requested submissions had not yet been received by the Board.

16. By correspondence received on February 21, 1992, the applicant submitted a revised site plan indicating the size and location of parking spaces, landscaping, fencing and surface material for the lot. The applicant further submitted a statement indicating that the use of the property would be limited to the parking of personal vehicles and auxiliary parking for occupants of the medical center building.

17. By memorandum dated February 25, 1992, the D.C. Department of Public Works offered no opposition to the granting of the application on a temporary basis. The DPW indicated that the size of the parking spaces and aisle comply with the applicable standards. The DPW further indicated that the proposed paving with a recycled crushed rock material is acceptable as a temporary surfacing material.

Findings of Fact:

1. The applicant is seeking a special exception pursuant to 11 DCMR 214 which permits parking in a residential district subject to the following provisions:

214.2 A parking lot shall be located in its entirety within two hundred feet (200') of an existing Commercial or Industrial district.

- 214.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial district.
- 214.4 All provisions of Chapter 23 of this title shall be complied with.
- 214.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.
- 214.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.
- 214.7 A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity.
- 214.8 Before taking final action on an application for use as a parking lot, the Board shall have submitted the application to the D.C. Department of Public Works for review and report.

2. The Board finds that the record contains evidence that the proposed parking lot would be in compliance with the criteria set forth in Subsections 214.2, 214.3, 214.4, and 214.8. However, the applicant has failed to provide probative evidence to support a finding by this Board that the proposed parking lot meets the criteria set forth in Subsections 214.5, 214.6, and 214.7.

3. The Board finds that the applicant did not provide substantive information regarding the existing traffic situation and any impacts which would be created by the establishment of the proposed lot. Further, no comprehensive analysis of the impact of the parking lot on the existing character and future development of the neighborhood was proffered.

4. Although the establishment of the proposed parking lot would seem to result in a reduction of the impact of overspill parking on neighborhood streets by providing auxilliary parking for the nearby medical center, the applicant failed to establish the

number of parking spaces which would be devoted to that purpose as opposed to the number of spaces which would be used to accommodate the applicant's personal vehicles.

5. The applicant provided no evidence that the proposed parking would serve residential uses or short-term parking needs for uses in the vicinity.

Conclusions of Law and Opinion:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking special exception relief to establish a parking lot in a residential district. In order for the Board to grant such relief through the special exception process, the applicant must demonstrate through substantial evidence that the criteria set forth in Section 214 and 3108.1 of the Zoning Regulations have been met and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

The Board concludes that the applicant did not meet the requisite burden of proof as set forth in the preceding findings of fact. The Board notes that, pursuant to Section 3324.2 of the Zoning Regulations, the burden of proof rests with the applicant. The Board concludes that the applicant was unprepared to address all of the standards set forth in Section 214 against which the Board must judge the application.

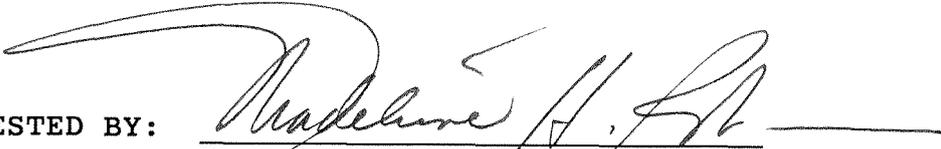
Accordingly it is hereby ORDERED that the application is DENIED.

VOTE: 4-1 (Angel F. Clarens, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to deny; John G. Parsons opposed to the motion by proxy).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: JAN 6 1993

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."

15549Order/bhs

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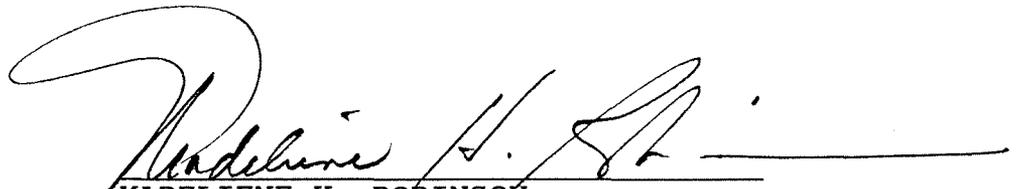


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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 6 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

D.R. Madden
243 K Street, N.E.
Suite 2
Washington, D.C. 20002

Craig Lisk, Chairperson
Advisory Neighborhood Commission 6A
1341 Maryland Avenue, N.E.
Washington, D.C. 20002


MADELIENE H. ROBINSON
Acting Director

DATE: JAN 6 1993

15549Att/bhs