

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15597 of Richard Grodsky, pursuant to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Subsection 2101.1) for a nonprofit educational organization on the first and second floors in a C-2-A District at premises 1622 Lamont Street, N.W. (Square 2595, Lot 681).

HEARING DATE: January 15, 1992
DECISION DATE: January 15, 1992 (Bench Decision)

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 1622 Lamont Street, N.W., between 16th and Mt. Pleasant Streets, N.W. The subject site is located within a C-2-A District.

2. The C-2-A District permits matter of right low density development, including office, retail and all kinds of residential uses, to a maximum floor area ratio (FAR) of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of 50 feet, and a maximum lot occupancy of 60 percent for residential uses.

3. The subject site contains approximately 1,492 square feet of land area. It is improved with a two-story brick rowhouse type structure that was originally built in 1913 as a residential dwelling. The first and second floors of the house are currently used as an educational instructional facility and the basement is being used as a residential dwelling unit.

4. The rowhouse was built prior to the enactment of the Zoning Regulations in 1958. No parking spaces were provided because the site lacks adequate space and access. No public alley abuts the property.

5. Relative to this application, the proposed nonprofit educational organization is a permitted use in a C-2-A zone district, provided that the off-street parking spaces specified in 11 DCMR 2101.1 are met.

6. The area surrounding the subject site is characterized by a mix of uses, including the Mt. Pleasant Public Library on the southwest corner of the intersection of Lamont and 16th Streets, single-family rowhouses, medium to large-sized apartment buildings, various types of retail establishments, offices, and the Meridian Hill Baptist Church which is located at 3146 16th Street, N.W.

7. The instant application requested an area variance from the off-street parking requirements of Subsection 2101.1 for a non-profit educational organization on the first and second floors of the property.

8. By letter dated April 22, 1991, the Department of Consumer and Regulatory Affairs (DCRA) denied the applicant a certificate of occupancy for the facility because the applicant failed to provide off-street parking as required by Subsection 2101.1 of the Zoning Regulations.

9. At the public hearing, the applicant testified that the narrowness of the site with no alleys or streets behind the building makes the site unique, and that it is difficult to provide off-street parking spaces. The applicant further testified that a meeting with Advisory Neighborhood Commission (ANC) 1E was held to discuss the parking issue. The ANC suggested that the applicant negotiate with the Department of Recreation, and the Lincoln Junior High School for the use of their parking facilities located near the subject site.

10. The applicant made formal requests to the Department of Recreation and to the Lincoln Junior High School for the use of their parking spaces. The Department of Recreation, by letter dated January 14, 1992, denied the applicant's request to provide parking for members of the nonprofit organization. However, the Lincoln Junior High School granted the applicant's request to use their parking facilities located at 15th and Irving Streets during the organization's hours of operation.

11. The Office of Planning (OP), by report dated January 3, 1991 and through testimony at the hearing, recommended approval of the application. OP stated that the granting of the area variance should be predicated upon the following test for variance relief which the OP feels has been met:

- a. There is something unique to the property itself or other extraordinary or exceptional situation or condition which would create a practical difficulty for the owner(s) to develop the property in accordance with the Zoning Regulations and, therefore, deprive the applicant(s) of reasonable use of the property.
- b. Substantial detriment to the public good would not occur;
- c. The intent, purpose, and integrity of the zone plan, as embodied in the Zoning Regulations and Map, would not be impaired; and

- d. Where justifiable, based on specific standards and criteria, the Board of Zoning Adjustment may allow deviations from the area provisions of the Zoning Regulations.

12. By memorandum dated January 7, 1992, the Department of Public Works (DPW) indicated that according to the applicant, the school operates from 7:00 p.m. to 9:00 p.m. Monday through Friday and from 2:00 p.m. to 6:00 p.m. Saturday and Sunday. The report added that all of the students either walk or take public transportation to the school since several Metrobus routes are within a block of the site, and that only four staff members drive automobiles to the school. DPW concluded that the applicant's use of the subject site would have a minor transportation impact. Accordingly, DPW does not object to the application.

13. By letter dated January 8, 1992, ANC-1E opposed the application. The ANC argued that the variance would result in an unacceptable increase in parking on the already over-burdened block. The ANC urged the Board to deny the application.

14. Neither ANC-1E, or ANC-1A appeared at the hearing to testify. There were no parties in support of or in opposition to the application at the hearing.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The applicant has met the burden of proof for a variance from the off-street parking requirements of Subsection 2101.1 of 11 DCMR.
2. A nonprofit educational organization is a permitted use in a C-2-A zone district, subject to the provisions of 11 DCMR 2101.1.
3. The rowhouse structure was built prior to the enactment of the Zoning Regulations.
4. The narrowness of the site makes it difficult to provide the required off-street parking spaces.
5. There is no alley access to the rear of the site.
6. The applicant has made reasonable efforts to provide alternative parking for its staff.
7. The impact of the variance on parking in the block would be minimal.

CONCLUSIONS OF LAW AND OPINION::

Based on the foregoing findings of fact and evidence of record, the Board concludes that the property has no vehicular access to the rear yard because of the lack of an abutting public alley. Accordingly, parking cannot be provided on-site. The proposed use of the structure above ground floor as a nonprofit educational organization is a matter of right use in the C-2-A District in which the site is located.

The applicant cannot expand the size of the subject lot to provide the two on-site parking spaces required for the proposed use. The structure is a rowhouse-type building that has common party walls with the adjacent structures on both sides. Again, vehicular access to the property's rear yard is impossible because of the lack of a rear alley. Accordingly, because of the above-cited lot constraints and the lack of vehicular access to the property's rear yard, an exceptional situation exists for the applicant in this case relative to the ability to provide any on-site parking. Onstreet parking spaces, however, are located along Lamont Street as well as along other streets in the immediate neighborhood.

The Board also concludes that the applicant has provided sufficient proof that some unique or exceptional condition of the property such as narrowness, shallowness and shape have made it difficult for the applicant to provide the on-site parking spaces. Denial of the area variance will inhibit the applicant's use of his property, as on-site parking would be impossible, regardless of the use.

The Board further concludes that granting the variance would not be detrimental to the public good, nor would it seriously impair, the intent, purpose and integrity of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Sheri M. Pruitt, Paula L. Jewell, John G. Parsons, Angel F. Clarens and Carrie L. Thornhill to grant).

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

ATTESTED BY:



MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: MAR 7 1994

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, 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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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 7 1994 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:

Simon T. Reyes
2104 Scott Key Drive
District Heights, Maryland 20747

Nelson Zaragoza
7902 Eagle Avenue
Alexandria, Virginia 22306

Patricia Sosa, Chairperson
Advisory Neighborhood Commission 1-E
P.O. Box 43529
Washington, D.C. 20010


MADELIENE H. ROBINSON
Director

DATE: MAR 7 1994