

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15735 of the National Association for the Education of Young Children, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to continue to operate a parking lot in an R-5-B District at premises 1522-26 Church Street, N.W. (Square 194, Lots 50-52).

HEARING DATE: October 21, 1992
DECISION DATE: December 2, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is located at 1522-26 Church Street, N.W., on the south side of Church Street, between 15th and 16th Streets, N.W. The subject property consists of three adjacent lots totalling approximately 6,270 square feet of lot area. The property is rectangular in shape. It is 66 feet wide and 95 feet deep. The property has an all-weather impervious surface and accommodates 22 vehicles. The property is zoned R-5-B.

2. The area surrounding the site is characterized by mixed-uses. The heterogeneous community includes residential development, professional office space, hotels, institutional facilities (i.e., churches), retail establishments, open space, limited vacant land and surface parking lots. The property is located within close proximity to several major arterial roadways such as 16th, 15th, P and Q Streets. There are several satellite parking lots located in the community that are used by commuters. In addition, there are many high-rise residential buildings located along 16th Street close to the site.

3. The applicant is a nonprofit association engaged in a variety of programs designed to help teachers improve their skills in working with young children and their families.

4. The applicant proposes to continue to use the subject site as a parking lot for 22 automobiles for employees and visitors to its office building located at 1509 16th Street, N.W. The existing parking lot is being used to provide overnight parking for neighborhood residents. It also provides parking for parishioners attending church services and activities at nearby Saint Luke's Episcopal Church which is located on the southwest corner of Church and 15th Streets.

5. The property is located in the R-5-B District which does not permit parking lot use as a matter of right. However, a parking lot is a permitted use in the R-5-B District, if approved by the Board. Therefore, the applicant is requesting a special exception to allow use as a parking lot at the subject property.

6. The applicant stated that all applicable provisions of Sections 213 and 2303 of the Zoning Regulations will be met by the application.

7. The applicant's representative requested that the subject property be permitted to continue to operate as a parking lot. He expressed some concerns about the security problems associated with the use of the lot.

8. The applicant testified that the association will take the necessary corrective measures to improve security at the lot. He cited the need to install bright lights and improved landscaping of the area. He stated that the association planned to repair the brick wall on the north end of the lot and the chain link fence along the side.

9. By memorandum dated October 14, 1992, and through testimony at the hearing, the Office of Planning (OP), noted the physical characteristics of the subject site, the proposed use, and the special exception requested. With regard to the special exception, OP noted that the parking lot was last approved by the BZA on May 5, 1982 with seven conditions attached. OP, also noted that BZA Order No. 13676 and the certificate of occupancy associated with the site expired eight years ago. OP further noted that the applicant is proposing to use the site as a parking lot between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. OP also noted the existing conditions of the lot with a brick wall located along the front of the property and a chain link fence screening the property on both the east and west sides. No screening is provided at the rear of the property, along the portion of the site that abuts the alley.

The Office of Planning stated that the parking lot is reasonably necessary and convenient to the location of the proposed NAEYC headquarters building at 1509 16th Street, N.W. In addition, due to the operation of the parking lot, there would be a reduction in the demand for parking on the streets and in the neighborhood. OP is of the view that no dangerous or objectionable traffic conditions would result from the continued use of this site as a parking lot. Also, the present character and future development of the neighborhood would not be adversely affected if the applicant's request is approved. The parking lot would not be in disharmony with the purpose and intent of the Zoning Regulations, and it would

not adversely affect the use of neighboring property in accordance with the Zoning Regulations. Therefore, OP recommended approval with the following conditions:

1. Approval shall be for a period of five years.
2. The applicant shall provide a site plan of the proposed parking lot depicting the parking layout as well as the location of the light fixtures for the approval of the Board of Zoning Adjustment.
3. The parking lot shall be used by visitors and employees of the National Association for the Education of Young Children during business hours, Monday through Friday.
4. During the evenings and on weekends, the parking lot shall be made available to members of the community and to nearby churches.
5. The parking lot shall be posted with a sign which limits its use during the day exclusively to the National Association for the Education of Young Children.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped.
7. A designated person shall police the parking lot on a regular basis, Monday through Friday, for security purposes.
8. The parking lot shall be striped so as to designate the location of all parking spaces.
9. Lighting shall be provided to sufficiently illuminate all areas of the lot. Such illumination shall be so arranged that all direct rays of the lighting are confined to the surface of the parking lot.
10. By memorandum dated October 25, 1992, the Department of Public Works (DPW) revealed that the parking lot was not well maintained. However, the DPW agreed with the proposed improvements of the lot by the owner. Therefore, the Department of Public Works has no objections to the application.
11. Advisory Neighborhood Commissions (ANC) 2C and 2B did not provide comments regarding their position on the application.

12. No one appeared at the hearing to testify as a neighbor in support of the application.

13. One neighbor appeared at the hearing in opposition to the application. He expressed a concern about the lack of security at the lot, but later withdrew his opposition based on the improvements to be made to the lot - a better lighting system and the installation of a fence.

CONTESTED ISSUES OF FACT:

Based on the evidence of record, the only contested issue is whether the lot will be adequately secured.

FINDINGS OF FACT:

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

1. The measures proposed by the applicant will be adequate to secure the property.
2. The parking lot will be located in its entirety within 200 feet of an existing commercial district.
3. The parking lot is separated only by an alley from an SP-1 District.
4. The parking lot is reasonably necessary and convenient to other uses in the vicinity and it reduces the overspill of parking on neighborhood streets.
5. The majority of the spaces serve residents in the area overnight and the short term parking needs of a nearby service facility use during the day.

CONCLUSIONS OF LAW AND OPINION:

Based upon the record before the Board, the Board concludes that the applicant is seeking a special exception to continue a parking lot use in an R-5-B District. The granting of such a special exception requires a showing through substantial evidence of record that granting the relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and that it will not adversely affect the use of neighboring property in accordance with the Regulations and Maps. The applicant must also meet the requirements of 11 DCMR 213 regulating parking lots.

The Board concludes that the applicant has met this burden of proof. The Board is of the opinion that allowing the proposed use to continue will be in harmony with the intent, purpose, and

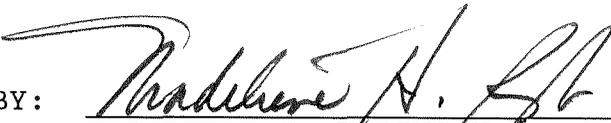
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integrity of the zone plan. The Board is also of the opinion that the proposed use will not adversely affect the use of neighboring properties.

In light of the foregoing, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that the parking layout, landscaping, and lighting shall be as shown on the revised plans marked as Exhibit No. 32A of the record.

VOTE: 4-0 (Angel F. Clarens, Sheri M. Pruitt and Paula L. Jewell to grant; William L. Ensign to grant by absentee vote; Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: SEP 2 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 SEP 2 - 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:

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MADELIENE H. ROBINSON
Director

DATE: SEP 2 1994