

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- June 14, 1967 and  
July 12, 1967

Appeal No. 9239                      George Basiliko, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on August 16, 1967.

EFFECTIVE DATE OF ORDER - Feb. 5, 1968

ORDERED:

That the appeal for permission to establish a gas station at Florida Avenue and H Street, NE., lots 819,78,813,816,815, and 827, square 4068, be conditionally granted.

FINDINGS OF FACT:

- (1) The subject property is located in a C-3-A District.
- (2) The property is presently unimproved and its area is approximately 20,559 square feet. It is located on the north-side of H Street, NE. at its intersection with Florida Avenue, the eastern boundary being approximately 56 feet from Bladensburg Road.
- (3) It is proposed that a new gasoline station be constructed which will be operated by the Atlantic Refining Company.
- (4) At the public hearing appellant presented photographs and motion pictures to indicate that the traffic pattern at the intersection is such that the streets before the proposed location are cleared every twenty-five seconds.
- (5) By Memorandum (BZA Exhibit No. 13) the Department of Highways and Traffic states that it "strongly objects to the granting of the special variance requested in Appeal No. 9239. The proposed gas station will be located in the middle of our highest volume and complex intersections formed by Florida Avenue, H Street, Maryland Avenue, 15th Street, Benning Road, and Bladensburg Road. Eastbound traffic on H Street attempting to turn left into the proposed gas station will create a back up problem. Because of the heavy traffic volumes, vehicles coming out of the station could not safely turn left to travel eastward.

In addition, vehicles coming out of the station must cross a 'Righ Turn Only' lane to travel west on H Street.

"If a traffic generating facility with the necessary drive-ways is established at this intersection, it will present additional traffic engineering problems which do not have satisfactory solutions."

(6) By Memorandum dated July 5, 1967 (BZA Exhibit No. 15) the Department of Highways and Traffic states: "Mr. Davis of the law firm of Hannan, Castiello and Berlow, representing the Petitioner, states in his letter of June 19, 1967 \* \* \* that the Petitioner has no objections to the Department of Highways and Traffic taking the necessary actions to prevent left turn traffic into and out of the proposed gasoline station. He further states that the Petitioner is only interested in servicing traffic traveling westward on H Street.

"It is with this understanding, that the Department of Highways and Traffic withdraws its objections to the granting of the special variance requested in Appeal No. 9239."

(7) At a second public hearing on July 12, 1967 appellant stated that any conditions imposed by this Board of by the Department of Highways and Traffic would be accepted.

(8) By Memorandum dated August 16, 1967 (BZA Exhibit No. 21) the Department of Highways and Traffic states: "In order to prevent the eastbound motorists from making left turn into the station and to prohibit motorists leaving the station from making a U turn, it will be necessary to extend the concrete island 180 feet westward. The estimated cost for the island is approximately \$2,250. Our Design Division will be instructed to include this feature in the safety improvement plans as soon as the applicant agrees to assume the added cost."

(9) By letter dated September 12, 1967 (BZA Exhibit No. 22) the attorneys for the applicant indicated that "Atlantic Richfield has agreed to reimburse to the Department of Highways the sum of \$2,250.00 for construction of a median strip on H Street, NE. between Bladensburg Road and Florida Avenue."

(10) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that with the installation of the median strip required by the Department of Highways and Traffic the establishment of this gasoline service station will not create any dangerous or otherwise objectionable traffic conditions and that this appeal may be granted without detriment to the public good. The use will be 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.

This Order shall be subject to the following conditions:

- (a) A median strip as required by the Department of Highways and Traffic shall be constructed and approximately \$2,250 shall be reimbursed to the Department of Highways and Traffic of the District of Columbia for construction of the strip.
- (b) All grease pits and hoists shall be located within the service station building.
- (c) No driveway or entrance to the station shall be closer than 25 feet from a street intersection as measured from the intersection of the curb lines extended, and no such entrance shall be located within 25 feet of any residential district.

The certificate of occupancy shall issued upon compliance with the aforesaid conditions.

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

ATTESTED:

By: James E. Bess  
JAMES E. BESS  
Secretary of the Board