Before the Board of Zoning Adjustment, D. C.

Application No. 11564 of Washington Hebrew Congregation pursuant to Section 8207.11 of the Zoning Regulations for a use variance from the requriements of Section 3101.411 of the Regulations for permission to establish an accessory parking lot beyond 200 ft. of the accessory use at the premise located at 39th Street N.W. and Macomb Street, N.W., Lot 834, Square 1818, in the R-1-B zone.

HEARING DATE: February 13, 1974

EXECUTIVE SESSION: February 26, 1974

FINDINGS OF FACT:

1. The applicant requests permission to establish off-street accessory parking which would be located beyond 200 ft. of applicants synagogue and on a lot which is not contiguous to or separated only by an alley from the use to which the proposed parking lot is accessory as required by the regulations.

2. The applicant presently provides 70 parking spaces on an existing parking lot adjacent to the synagogue, however, due to a proposed chapel addition, on the existing lot, the parking capacities of the existing lot will be reduced to 51 spaces.

3. The proposed lot would be located across the street, and provide parking spaces for 129 cars as an overflow parking facility.

4. The applicant was granted permission to use the subject property as accessory parking in BZA application No. 6357, dated 1961, however, this order expired after six months.

5. The applicant alleges that its existing parking lot is adequate to take care of the day to day activities of the temple which seats 200 people but is not adequate for Saturday and Sunday services of the congregation. The applicant further states that the proposed lot will also be used for large weedings, funerals, high holydays, and other important special events during the year.

6. The opposition alleges that; other than during high Holy Days, approximately four days per year, the existing lot and reasonably proximate street parking are adequate to support the congregations needs.

7. The report submitted by the Department of Highways and Traffic as required by law, which was not subject to cross-examination, offered no objection to the proposed parking lot.

8. The applicant alleges that the subject property cannot be developed for residential use because of topographical conditions existing on the property.

9. Testimonial and documentary evidence of record indicate that a perennial stream at one time ran through the area at the eastern portion of the subject property, and extensive fill varying in depth from 20 to 35 ft. exists across the entire length of the property.

10. The applicant further alleges that because of the extreme topographical features of the subject property, residential development would be impractical.

11. The opposition alleges that the subject property could be developed for residential purposes or some other permitted uses and further objects to the view of one acre of parking within sight of there residences.

12. The subject parking lot would be adjacent to the Second District Station House which accommodates approximately 200 parking spaces.

13. The character of the area on Macomb Street, N.W. is residential and is characterized by a well established middle income neighborhood, the protection of the high quality of which is most desirable.

CONCLUSIONS OF LAW:

Based on the above findings, the Board is of the opinion that the applicant has not proved a hardship as required by Section 8207.11 of the Zoning Regulations for the granting of a variance. The Board is of the opinion that the property in question can be developed for R-1-B residential purposes. The Zoning Regulations require no parking for church use and by constructing a new chapel on its existing parking lot, the applicant is in fact reducing its available off-street parking. Evidence of record indicates that the use of the proposed property as a parking lot is only necessary infrequently as an overflow facility and that its existence would be objectionable to adjoining and nearby property. The Board concludes that the application cannot be granted without detriment to the public good, and without adversely effecting the use of neighboring property in accordance with the Zoning Regulations.

ORDERED:

That the above application be DENIED.

VOTE: 3-1-0 (Mr. Harps not present, Mr. Hatton dissenting.)

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

ATTESTED BY: James E. Mill

FINAL DATE OF ORDER: APR 15 1974