

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13116 of Guildfield Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to establish a parking lot in an R-2 District at the premises 1021 Otis Street, N.E., (Square 3882, Lots 802,803,13 and 14).

HEARING DATE: December 12, 1979

DECISION DATES: January 9, 1980, March 5, 1980, May 16, 1980
and July 2, 1980

FINDINGS OF FACT:

1. The application appeared on the preliminary calendar of the public hearing of December 12, 1979. The affidavit of posting evidenced that the subject property had been posted on December 6, 1980 a matter of six days before the public hearing. Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA requires that the property be posted at least ten days prior to the scheduled hearing. The applicant stated that the December 6, 1980 date was in error and that he personally posted the property on November 30, 1979 in compliance with the Rules.

2. The subject site is located on the south side of Otis Street between 10th and 12th Streets and is known as 1021 Otis Street, N.E. It is in an R-2 District.

3. To the north of the subject site is Otis Street followed by single family detached dwellings in an R-5-A District. To the northeast is Otis Street followed by an Exxon station in a C-2-A District. To the east is a sixteen wide public alley followed by a parking lot with angled off-street parking spaces which serve various retail and office uses fronting on 12th Street in a C-2-A District. To the southeast is the Newton theater across 12th Street in a C-2-A District. To the south are the rear yards of single family detached dwellings in an R-2 District and to the west are single family detached dwellings in the R-2 District. The lot is within 200 feet of an existing commercial area.

4. The subject site is 150 feet wide and 150 feet deep. The site is improved with the Guildfield Baptist Church on lot 14. Lots 802, 803 and 13 are undeveloped.

5. The applicant uses Lots 802, 803 and 13 as a parking facility on Saturday and Sundays for its church members. There are approximately twenty-five spaces. The parking lot is not paved nor marked in any way to distinguish the spaces.

6. The applicant testified that people in the neighborhood drive their cars on the lot and park. No payment is received.

7. On March 30, 1979, the applicant was advised by the Zoning Inspection Branch that the subject lot was being used as a parking lot without a Certificate of Occupancy.

8. The applicant now proposes to use the lot for commercial parking from Monday through Friday during the hours of 7:00 a.m. to 7:00 p.m. All revenue will be for the church's use. The Church has no plans to build on the lot.

9. The Office of Planning and Development by report, dated December 6, 1979, recommended that the application be approved conditionally. It reported that the proposed site is reasonably necessary and convenient to the surrounding neighborhood. The lot will serve the church members who drive to the site as well as provide a taxable form of revenue through its commercial use. The OPD was of the view that the parking lot's use as conditioned herein will not become objectionable to adjoining or nearby properties because of noise, traffic, or appearance. The Board so finds.

10. On September 18, 1979, the application was referred to the Department of Transportation for its review and report.

11. A petition with approximately forty signatures in support of the application was submitted to the record. The Brookland Civic Association, Inc., recommended that the application be approved.

12. Advisory Neighborhood Commission - 5A recommended that the application be granted on the grounds that the easing of the parking problem would benefit the neighborhood. The Board so finds.

13. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing that the applicant has complied with the requirements of Paragraph 3101.48 of the Zoning Regulations. The Board concludes that the applicant in meeting the conditions hereinafter listed will be in compliance with Paragraph 3101.48. The Board further concludes that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of TWO YEARS from the date of this Final Order.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. All parking spaces shall be a minimum of nine feet wide by nineteen feet in length. All driveways shall be a minimum of fourteen feet in width.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped as shown in the site plan, Exhibit No. 23 of the record. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

- i. A six foot high chain link fence as described in the site plan, shall be provided at the rear and west side of the parking lot.
- j. The parking lot shall be locked with a chain across the driveways during the hours of operation, Monday to Friday, 7:00 a.m. to 7:00 p.m. and during those hours when the lot is not being used for church purposes. All persons parking in the lot during the day shall have a key to the lock. The church shall take appropriate action to see that the lot is chained at all times specified.
- k. A solid masonry wall at least twelve inches thick and forty-two inches high shall be erected along the front of the lot, as shown in the site plan.

VOTE: 4-1 (William F. McIntosh, Connie Fortune, Charles R. Norris and Leonard L. McCants to GRANT; Walter B. Lewis OPPOSED).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

25 AUG 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.