

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13307, of Emmanuel Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.45 to continue the use of an accessory parking lot for the church in an R-5-A District at the premises 2400-2408 Ainger Place, S. E., (Square 5740, Lots 9, 10, 11 and 848).

HEARING DATE: July 30, 1980

DECISION DATE: July 30, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District at the premises 2400-2408 Ainger Place, S. E.

2. The property is currently operated as a parking lot to serve the members of the applicant Church. The church is located across Ainger Place from the subject property. The Church uses the lot primarily on Sundays, but also occasionally on other days of the week. The lot is kept shut at all times it is not being used by the Church.

3. There is no commercial parking on the lot.

4. The lot is surrounded by a chain link fence. The lot is in compliance with all of the conditions of the previous order of the BZA and of the Zoning Regulations.

5. The lot contains seventy-eight spaces at present, but can accommodate fifty to sixty additional spaces. Access to the lot is by way of two driveways from Ainger Place.

6. The Church has additional parking immediately adjacent to the existing building. If the Church executes present plans to construct an educational addition, some of those spaces will be lost. The applicant would thus rely more heavily on the subject lot to serve its needs.

7. There is no evidence to suggest that the operation of the lot has created or will create any dangerous or objectionable traffic conditions.

8. The applicant may develop the site in the future,

but has no specific plans at present.

9. The application was referred to the D. C. Department of Transportation. No report from the Department was received.

10. There was no report from Advisory Neighborhood Commission 7-C.

11. There was no opposition to the application .

CONCLUSIONS OF LAW AND OPINIONS:

Based on the findings of fact and the evidence of record the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.45 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied, and that the parking lot meets the criteria set forth. The Board further concludes that the special exception can be granted as 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 in accordance with said zoning regulations and maps. It is therefore ordered that the application is GRANTED, subject to the following conditions:

- a. Approval shall be for a period of five years from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.
- 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. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped.

Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter 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.
- g. 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.

VOTE: 5-0 (Charles R. Norris, Walter B. Lewis, Connie Fortune, Leonard L. McCants and William F. McIntosh to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

30 SEP 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.