

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13632, of Prayer Temple Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7107.21) and from the floor area ratio requirements (Sub-section 3302.1) for a proposed addition to a church in an R-5-B District at the premises 1259 K Street, S.E., (Square 1023, Lot 117).

HEARING DATE: January 13, 1982
DECISION DATE: February 3, 1982

FINDINGS OF FACT:

1. The application appeared on the Preliminary Calendar of the public hearing of January 13, 1982, since the applicant failed to comply with Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA in that the subject property was posted for nine days instead of the ten required under the Rules. The applicant explained it was inadvertence on his part. The Chair waived the Rules and determined that the case would be heard.
2. The subject site is located at the southwest corner of the intersection of K and 13th Streets and is known as premises 1259 K Street, S.E. It is in an R-5-B District.
3. The site measures twenty-six feet in width and 60.50 feet in depth. It is rectangular in shape and flat. The site is improved with a non-conforming structure since the structure exceeds the lot occupancy requirements by 629.20 square feet or sixty-seven percent.
4. The site is improved with a row, brick structure of two stories plus basement facing K Street. There is a one story addition in the rear. The structure is used as a church. The structure now occupies the entire lot.

5. The applicant church has a membership of 100. It holds regular services on Tuesday and Wednesday evenings from 8:00 P.M. to 10:00 P.M. It also holds Sunday School classes at 10:00 A.M., Sunday morning worship services at noon and evening worship services from 6:00 P.M. to 8:30 P.M. Once a month it holds fellowship services and revivals that last a week. There have been times when there are services at night, four times a week.

6. The applicant proposes to add a second story to the rear addition. The addition will be lined-up with the first floor addition. It will comprise 468 square feet. It is proposed that the addition will be a multi-purpose structure.

7. The Church anticipates that eventually it will need a larger site. At present, it intends to even off the existing structure.

8. The applicant seeks a variance from the floor area ratio requirements of 314.60 square feet or eleven percent and for a variance from the prohibition against allowing an addition to a non-conforming structure which now exceeds the lot occupancy requirements. The proposed addition will not increase the lot occupancy.

9. There was opposition to the application on the part of property owners within the immediate area of the site. The opposition asserted that not all parties had been officially notified of the public hearing. They requested that the Board leave the record open for further submissions. The Chair granted the request. The grounds of the opposition were as follows: a) In the last four years it is impossible to park on the street within reasonable distance of one's home when the church is having services. b) The four nights a week when services are held, residents cannot find parking spaces until after 11 P.M. They are disturbed by the late hour noises caused by the departure of the church members. At times the services include amplified music. c) Adults attending church permit their children to amuse themselves playing football in the street creating both irritating noise and dangerous driving and parking conditions. The children are unsupervised. d) There is a noticeable increase in the amount of trash, food containers, drink cans, etc, in the street on the days and evenings when services are held. This is both a health hazard and an eyesore.

In summary, the Church has not been a good neighbor. If the Church needs more space, it should seek a larger building already in existence in another location. Certainly, it should not be permitted to expand its present building which is already too large for its lot and thereby exacerbate the problems described above.

10. The pastor of the Church admitted to the problems above, but stated that the issues of the unsupervised children and litter were being resolved.

11. Advisory Neighborhood Commission 6B made no recommendation on the application.

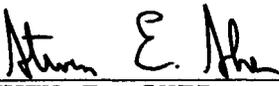
CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape, topographical conditions. The Board further must find under Paragraph 8207.11 that the relief can be granted without substantial detriment to the public good and it will not substantially impair the intent and purpose of the zone plan. The Board concludes that there is no practical difficulty in the property that would sustain the variance requested. The site is flat and rectangular. The difficulty present is a personal difficulty. The size of the congregation and the number of activities scheduled has outgrown what was originally a row dwelling. The Board further concludes that based in Finding No. 9, the relief cannot be granted without adverse affects to the public. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (John G. Parsons, Connie Fortune, William F. McIntosh, Douglas J. Patton and Charles R. Norris to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

JUN 21 1982

BZA APPLICATION NO. 13632
PAGE 4

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."