

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13638 of the Delaware Avenue Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1), the floor area ratio requirements (Sub-section 3302.1) the rear yard requirements (Sub-section 3304.1) and the closed court area and width requirements (Sub-section 3306.1) to construct a new church in an R-5-A District at the premises 1107 Delaware Avenue, S.W., (Square 594, Lot 833).

HEARING DATES: January 13, 1982 and March 3, 1982
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The subject property is located on the west side of Delaware Avenue, S.W. between L and M Streets and is known as premises 1107 Delaware Avenue, S.W. It is zoned R-5-A.
2. The property is developed with a non-conforming one story brick church building which was constructed in 1952. The church building occupies approximately ninety per cent of the lot and is in need of renovation and repair.
3. The lot is surrounded by Delaware Avenue on the east, a public alley to the south, the rear yard of a public housing facility to the west, and a parking lot serving the public housing to the north. The Anthony Bowen Elementary School is located directly across Delaware Avenue from the subject site.
4. The lot consists of 3,002 square feet with frontage on Delaware Avenue measuring 44.4 feet. The southern boundary measures 59.72 feet, the western boundary measures 43.75 feet and the northern boundary measures 58.91 feet.
5. The existing church building contains approximately 150 seats in the sanctuary and a meeting room which seats ten to fifteen people. The applicant proposes to raze the existing building and construct a new building which will increase the sanctuary seating capacity to 270 and provide additional lower level space for a fellowship hall, restrooms, a kitchen and a mechanical unit.

6. The pastor testified that the church has existed on the subject lot since 1895 and that if the church were forced to relocate it would be difficult for some of the elderly parishioners who live nearby to get to church. He testified further that the site of the church has historic significance for his congregation due to its long-time existence on the present site and the labor of the congregation involved in constructing the existing church building.

7. The architect for the project and the pastor of the church testified that the proposed church building is designed to accommodate the existing congregation and does not take into consideration any future growth in the number of church members.

8. The Zoning Regulations permit a maximum lot occupancy of sixty per cent for a church in an R-5-A District, or 1,813.2 square feet for the subject lot. The proposed church building would occupy 2,619.66 square feet, or 806.46 square feet more than is permitted. A variance of 44.47 per cent is requested.

9. The Zoning Regulations permit a maximum floor area ratio of 0.9 in an R-5-A District. For the subject lot, a gross floor area of 2,719.8 square feet is thus permitted. The applicant proposes to construct a building of 4,751.54 square feet. A variance of 2,031.74 square feet, or 74.7 per cent is requested.

10. The Zoning Regulations require a minimum rear yard of twenty feet in a R-5-A District. The building as proposed would be located adjacent to the alley and would have no rear yard. A variance of the full twenty feet is required.

11. The Zoning Regulations require that if a closed court is provided in an R-5-A District, it shall have a minimum width of fifteen feet and a minimum area of 4.50 square feet. The closed court proposed would have a width of two feet and an area of 226.67 square feet. Variances of thirteen feet, or 86.66 per cent, and 223.33 square feet, or 49.62 per cent, respectively, are required.

12. There is no parking provided on the subject site. None is required by the Zoning Regulations. The pastor of the church testified that the parishioners park on the street and on the parking lot of Anthony Bowen Elementary School and that the lack of adequate parking has never been a problem for the church.

13. The pastor's wife testified that if the new church building were constructed, the church would have the space necessary to engage in community programs such as day care,

educational programs, rap sessions and arts and crafts instruction.

14. By letter dated March 2, 1982, Advisory Neighborhood Commission 2D expressed no objection to the applicant's plans to replace its building with a new structure.

15. The Office of Planning and Development, by memorandum dated January 7, 1982, recommended denial of the subject application as filed. It was OPD's opinion that the variances requested are excessive. The OPD noted that it would not be opposed to the replacement of the existing building with a new building of approximately the same size.

16. There was no opposition at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION

Based on the findings of fact and the evidence of 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 exceptional or extraordinary condition of the property. The Board concludes that the small size of the subject site precludes the development of a building of the magnitude envisioned by the applicant. The Board concludes however that the lot is basically rectangular in shape with no unusual topographic conditions and the size of the lot itself does not create an extraordinary or exceptional condition of the property.

The Board notes that the existing church building can continue as a non-conforming structure on the site. The Board is cognizant of the congregation's desire to remain at its present location and expand its services. However, the Board concludes that such desires on the part of the church as well as the other reasons advanced by the church for approval of the application are personal to the church, do not arise out of the property and do not constitute a practical difficulty to justify the granting of the substantial variances requested to allow the construction of a building of the scale proposed on the subject site. The Board notes that the existing building will be razed, the site will be cleaned of buildings and will be vacant, and then a new church building will be constructed. The Board concludes that the construction of a new church building for this congregation need not be limited to the subject site.

The Board further concludes that because of the extent of the variances, the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly it is ORDERED that the application is hereby DENIED.

VOTE: 3-2 (Walter B. Lewis, Connie Fortune and William F. McIntosh to DENY; Douglas J. Patton and Charles R. Norris opposed to the motion).

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

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUL 29 1982

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."