

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13751, as amended, of Congress Heights United Methodist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7205.3 to permit the required parking spaces elsewhere than on the lot upon which the structure they are intended to serve is located to use the subject premises as a child development center consisting of ninety-five students and ten staff in a C-2-A District at the premises 412 Alabama Avenue, S.E., (Square 5977, Lot 806).

HEARING DATES: May 26, 1982 and September 8, 1982
DECISION DATES: June 2, and September 8, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject application was originally heard on the Public Hearing date of May 26, 1982, pursuant to advertisement for consideration as a variance from the off-street parking requirements (Sub-section 7202.1). At its public meeting of June 2, 1982, the Board denied the application in that form.

2. Subsequent to the Board's denial of the original application, but prior to the issuance of a Final Order, an agreement was reached between the applicant and the Harvey Memorial Baptist Church, regarding the leasing of six parking spaces. The applicant then filed a motion for further hearing, amending the requested relief to a special exception for accessory parking under Sub-section 7205.3. The Board granted the applicant's motion at its Public Meeting of June 7, 1982, the case was readvertised and further hearing was held on the issue of the applicant's compliance with the requirements of Sub-section 7205.3.

3. The subject property is located on the south side of the intersection of Alabama and Martin Luther King Jr. Avenues, S.E. and the southwest quadrant of the intersection of Alabama Avenue and 5th Street, S.E. at premises known as 421 Alabama Avenue, S.E. It is in a C-2-A District.

4. The subject property is generally a rectangularly shaped corner lot measuring approximately 126 feet by 150 feet. The site is improved with two structures, the Congress Heights United Methodist Church and parsonage which together occupy approximately ninety percent of the lot.

5. The existing structures are used by the members of the Congres Heights United Methodist Church. Connected to the church is an educational structure with classrooms on three levels which are used for Sunday School classes and Vacation Bible School.

6. The subject square has no alley system.

7. The subject site has no off-street parking.

8. The subject site has no front, rear or side yards.

9. The applicant proposes to operate a pre-kindergarten/elementary school consisting of ninety-five students and ten teachers on the second floor of the existing structure. The use is permitted as a matter-of-right. Six off-street parking spaces are required.

10. The applicant seeks relief from the zoning requirement to provide six parking spaces on site. The applicant is now seeking a special exception under Sub-section 7205.3 to provide the required parking on a lot other than the lot on which the principal structure to be served is located.

11. The applicant testified that most students will attend the school from the immediate Southeast community and nearby Maryland.

12. The applicant proposes to lease six spaces in the parking lot of the Harvey Memorial Baptist Church, located at Esther and Brothers Places, S.E. approximately 400 feet from the subject site. The parking lot is designated as lot 808 in Square 5990, as shown on the plat marked as applicant's Exhibit D of the statement marked as Exhibit No. 29 of the record.

13. The applicant testified that prior efforts had been made to secure parking at the corner of the Alabama Avenue and 4th Street, S.E. Discussions with the owner of the lot were not productive because a price could not be agreed upon.

14. The Harvey Memorial Baptist Church parking lot is an existing lot operating in full compliance with the provisions of Article 74.

15. The location of the six parking spaces at the Harvey Memorial Baptist Church will provide reasonable and convenient parking facilities for the subject site.

16. The applicant testified as to the results of a survey conducted by the applicant of available on-street

parking in the immediate area. The results indicated that there is an average of thirty on-street parking spaces to meet the needs of the occasional visitors to the school. If needed, additional spaces are available at the Harvey Memorial Baptist Church lot.

17. Advisory Neighborhood Commission 8C made no recommendation on the application.

18. Numerous letters and petitions in support of the application were filed with the Board as Exhibits G and H to the applicant's statement, marked as Exhibit No. 29 of the record.

19. No one appeared in opposition at the hearing or of 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 a special exception, the granting of which requires compliance with the requirements of Sub-section 7205.3 of the Zoning Regulations, a showing that the proposed use can be permitted without an adverse impact on the use of neighboring properties, and a showing that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board concludes that the applicant has met the requirements of Sub-section 7205.3 in that it is impracticable to locate the required parking spaces on the same lot with the structures they are intended to serve. The subject site has no front, rear or side yard and the coverage of the existing structures on the site is nearly ninety percent. The subject square has no alley system to provide access. The Board concludes that it is not possible to locate such spaces on adjoining properties or in the same square. The applicant unsuccessfully attempted to secure parking spaces on a lot at the intersection of Alabama Avenue and 4th Street in the same square. While parking on an adjacent lot is preferred, it is not required. The Board concludes that the use of six spaces at the Harvey Memorial Baptist Church is reasonable and convenient to the subject structure and that such spaces are less than 800 feet from the subject site.

The Board further concludes that the relief requested 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 hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton and Charles R. Norris to GRANT, William F. McIntosh not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 30 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."

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.