

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13784, of Gailbraith AME Zion Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, to reinstate prior BZA Order No. 13463 for variances from the lot occupancy requirements (Sub-section 3301.1) and the rear yard requirements (Sub-section 3304.1) for a proposed addition to an existing church in an R-5-D District at the premises 1114 - 6th Street, N.W., (Square 449, Lots 856 and 857).

HEARING DATE: July 14, 1982
DECISION DATE: July 14, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The Board, in BZA Order No. 13463 dated July 6, 1981, granted the same relief to the same applicant for the same property for the same proposed construction. The applicant failed to obtain a building permit within the six month period prescribed in the Board's Order and the Zoning Regulations, and consequently the approval in BZA Order No. 13463 lapsed. The applicant now seeks permission from the Board to reinstate BZA Order No. 13463.

2. The applicant testified that there were no modifications or changes to the plans originally approved by the Board, known as Exhibit No. 8 and dated November 10, 1980, in BZA file No. 13463. The same plans were made part of the subject application and are dated February 16, 1982 and known as Exhibit 13 of the file 13784.

3. In the subject application there was a letter of concern from the owner of the property at 1120 6th Street, N.W. The rear wall of the garage on that property is a party wall with the church's proposed addition. There was also concern about the modification of the alley in the rear of said property. There were several other concerns expressed which the Board deemed immaterial to the Board's consideration of the application.

4. The applicant in addressing the aforementioned concerns sent a letter dated May 17, 1982 to Mrs. Mary Balgos of 1120 6th Street, N.W. (Exhibit No. 22 of the record) stating as follows:

"Gailbraith A.M.E. Zion Church will be starting the construction of the new building at the rear

of the church which will require the removal and the replacement of the existing party wall which is now your garage wall.

We are requesting permission to perform this work and the repair of the party retaining wall. This will require a certain amount of work to be performed on your side of the property line. We assure you that your building will not be damaged in any way and the repair and replacements of walls mentioned above will not require monies from you. If other work on your property is damaged as a result of this construction, the same will be corrected at no cost to you."

In reference to the issue of the alley, the applicant testified that a new public alley measuring twenty feet in width is to replace the existing fifteen foot wide alley and instead of dead-ending at the rear of the subject property, the alley will continue to L Street. It is part of a redevelopment sponsored by the Redevelopment Land Agency.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the material facts and conclusions of law set forth in BZA Order No. 13463 are essentially still valid, except as specifically modified in the Findings of Fact herein. Accordingly, it is ORDERED that BZA Order No. 13463, dated July 6, 1981 is hereby REINSTATED and incorporated herein and the subject application is GRANTED SUBJECT to the CONDITION that the proposed addition be constructed in accordance with Exhibit No. 8 in the record of BZA Application No. 13463.

VOTE: 4-0 (Douglas J. Patton, Connie Fortune, William F. McIntosh and Charles R. Norris to GRANT; Lindsley Williams not voting, not having heard application No. 13463).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

AUG 31 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.