

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13911 of St. Mary Mother of God Church, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use a part of the first floor and the entire second floor of the subject premises as SP office use and for a variance from the off-street parking requirements (Sub-section 7202.1) for a proposed change of an existing building to SP office use in an HR/SP-2 District at premises 717 5th Street, N.W., (Square 518, Lot 846).

Hearing Date: February 9, 1983  
Decision Date: March 2, 1983

FINDINGS OF FACT:

1. The subject property is located on the northeast corner of the intersection of 5th Street, and G Place, N.W. and is known as premises 717 5th Street, N.W. It is zoned HR/SP-2.

2. The site is presently improved with a two-story and basement brick structure which was constructed in 1887.

3. The basement and part of the first floor of the structure is presently used by St. Mary's Church for parish and ministry functions, including a senior citizens program a variety of adult educational programs, legal aid, health, welfare and other programs. The remainder of the first floor and all of the second floor is currently vacant.

4. The last use of the subject structure was as a girl's high school for one hundred students and twelve teachers. Prior to the high school use, the building housed St. Mary's Elementary School.

5. The applicant proposes to renovate the partially vacant structure. The existing church activities will continue on the basement and first floor levels. The applicant proposes to lease the remainder of the first floor and all of the second floor for SP office use. The income derived from the rental of portions of the building will provide funds needed to continue the church's programs for the elderly, the poor and other needy persons in the community.

6. The existing structure occupies the entire lot with the exception of an eight foot rear yard and a small court

at the northwest corner of the site. The proposed renovation will not enlarge the existing structure. There will be no exterior changes to the building so the height bulk and design of the building will be in harmony with the nearby uses and structures.

7. The uses surrounding the subject site include St. Mary Mother of God Church and the Rectory immediately to the north, the General Accounting Office to the east and south, and a large surface parking lot to the west across 5th Street. Other uses in the area include the Pension Building, Metro Headquarters Building, several high rise apartment, restaurants, and small commercial establishments. Chinatown is to the west and the Judiciary Square area to the south of the subject site. Use of the subject structure for SP office purposes will be generally consistent in intensity and character with the use of adjoining properties.

8. The applicant does not have a specific tenant at the present time for the portion of the structure which is proposed to be leased. By letter dated February 22, 1983, the applicant, on the advice of its architect, indicated that the leased space would likely be occupied by approximately twenty-five employees. The applicant requested that the use of this space not be restricted to less than thirty-five employees to leave some margin for flexibility. The applicant noted that the use of the subject structure as a high school for girls allowed 100 students and twelve teachers in the subject structure. The requested number of employees would have a lesser impact on traffic conditions in the immediate area than the prior use.

9. The applicant is also seeking a variance from the requirement that four parking spaces be provided on-site. The existing building occupies the majority of the subject site. In order to provide the required parking on-site, a portion of the existing structure would have to be demolished

10. The subject site is well-served by public transportation. The Judiciary Square Metro Station is located one and one half blocks to the south of the site. There are several bus routes along H Street, one and one half blocks to the north of the site.

11. There is a large commercial parking lot directly across 5th Street to the west of the subject site. There is on-street metered parking available on G Place on the east side of 5th Street, N.W. In addition, as contained in the applicant's letter of February 22, 1983, the Church is prepared to dedicate two parking spaces on its parking lot to the north of the Rectory to the proposed use.

12. The prior use of the subject structure as a high school required eight parking spaces for the twelve teachers.

None was provided. No certificate of occupancy for use of the subject premises as a high school is on record. If a certificate of occupancy for the prior use had been in existence at the time of the subject application, there would be no increment in required parking and the requested variance would not be necessary.

13. The applicant's architect testified that the signs proposed for the subject structure will be bronze or painted wood plaques measuring approximately twenty-four by sixteen inches located on either side of the entry. In his opinion, such signs will not be out of keeping with the general character of the area. The Board so finds.

14. The Office of Planning, by memorandum dated February 1, 1983, recommended that this application be approved subject to the Board's approval of the signs advertising the proposed use. The Office Of Planning was of the opinion that the applicant complies with the requirements of Paragraph 4101.44 and has met its burden of proof under Sub-section 8207.2 and Paragraph 8207.11. The Board concurs with the Office Of Planning's findings and notes that it approves the type of sign described by the applicant's architect in Finding of Fact No. 13.

15. The Chairman Of Advisory Neighborhood Commission 2C, by letter dated January 23, 1983, offered no objection to the granting of the requested special exception. The Board notes that the letter does not address concerns of the ANC, does not indicate that there was a meeting of the Advisory Neighborhood Commission, After proper notice, with a quorum present, at which a vote was taken on the subject application. The report of the Advisory Neighborhood Commission can not, therefore, be given "great weight."

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. The granting of the special exception requires that the applicant must demonstrate compliance with Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied.

The Board found in Finding of Fact Nos. 6 and 7 that the use, height, bulk and design of the structure will be in harmony with existing uses and structures on neighboring properties. The use of the structure will not create any dangerous or other objectionable traffic conditions as found in Finding of Fact No. 8.

The Board further concludes that the approval of the special exception as hereinafter conditioned will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to effect adversely the use of neighboring property in accordance with said Regulations and Map.

As to the parking variance the Board concludes that the variance requested is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the existence of a structure on the subject site which occupies nearly 100 percent of the site constitutes an exceptional situation or condition, in that there is no room on the lot to accommodate the four off-street parking spaces required by the Zoning Regulations. The applicant has demonstrated that there are presently adequate facilities for parking near the site. The Board further concludes that the variance may be granted without substantially impairing the intent and integrity of the Zoning Regulations.

Accordingly it is ORDERED that the application be GRANTED in its entirety, SUBJECT to the following CONDITIONS:

1. The maximum number of employees shall not exceed thirty-five.
2. Two parking spaces shall be provided by the Church on Lots 849, 850, 851, 853, 854, 855, 856, 857, in Square 518 for the exclusive use of employees of or visitors to the subject premises in the Academy Building. Such parking spaces shall be provided in the location shown on Exhibit No. 25A and shall be made available for use at all times between the hours of 8:00 A.M. and 6:00 P.M. on weekdays. The church shall post and maintain signs which indicate this exclusive parking use.
3. Permission to use the Academy Building for SP office use is limited to a portion of the first floor, the second floor and a mezzanine as show on the plans marked as Exhibit No. 9.

VOTE: 4-0 (Douglas J. Patton, William F. McIntosh and Charles R. Norris to grant; Walter B. Lewis to grant by proxy; Carrie Thornhill not voting, not having heard the case)

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JUN 28 1983

ORDER 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.

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