

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14163, of Greater Pleasant Grove Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot area requirements (Sub-sections 1302.2 and 3301.1) for a proposed subdivision and construction of a church in an R-4 District at premises 1101 4th Street, N.E., (Square 805, Lots 71 and 81).

HEARING DATE: July 25, 1984
DECISION DATE: September 5, 1984

FINDINGS OF FACT:

1. The subject property is located on the northeast corner of the intersection of 4th and L Streets, N.E. and is known as premises 1101 4th Street, N.E. It is zoned R-4.

2. The subject property consists of two lots proposed to be subdivided to create one lot. The total lot area of the site after subdivision will be 3,600 square feet, with thirty-six feet of frontage on 4th Street and 100 feet of frontage on L Street.

3. The subject property is rectangular in shape and is topographically level. The site is currently improved with two row structures.

4. Prior to May 12, 1958, the applicant converted the row structure at 1101 4th Street to a church building, a use permitted as a matter-of-right in the R-4 District. The adjacent row house to the north, at 1103 4th Street was purchased by the applicant in approximately 1978 and is used by the church for Sunday school classes and meetings.

5. The applicant proposes to demolish both of the existing structures and construct a new church building.

6. Sub-section 3301.1 of the Zoning Regulations requires a minimum lot area of 4,000 square feet for the proposed use. After subdivision, the total lot area of the combined lots is 3,600 square feet. A variance from the minimum lot area requirements of 400 square feet or ten percent is therefore required.

7. The subject site is bounded by 4th Street to the west, L Street to the south, a fifteen foot public alley to the east, and a row dwelling to the north.

8. The proposed church building complies with all other area requirements for the R-4 District.

9. Because the subject property is surrounded on three sides by a public alley and streets, the only possible alternative for acquiring the additional 400 square feet needed to meet the minimum lot area requirement is to obtain property to the north.

10. The applicant contacted the owner of the property at 1105 4th Street, the lot immediately adjacent to the subject site to the north, and offered that property owner a contract to purchase that property. The owner of that property informed the applicant that he was not willing to sell his property, as evidenced by Exhibit No. 23 of the record.

11. The existing church and adjacent row dwelling are deteriorating as to structural and finish quality.

12. The sanctuary of the existing church accommodates approximately seventy-five people by utilizing existing pews and folding chairs placed along the walls and aisles. Sunday school classes are held in the adjacent row structure. The proposed church will be designated to accommodate 144 people in the sanctuary, with classrooms, offices and restrooms in the basement.

13. The membership of the church is approximately 115 people with an average attendance at services of seventy-five people. The pastor testified that there will be no increase in the membership of the church nor of the number of persons who attend services at the church, but that the new building will better accommodate those presently attending the church.

14. The Zoning Regulations do not require any on-site parking spaces and none are presently provided. Three on-site parking spaces are proposed to serve the new building.

15. The pastor of the church testified that the majority of the parishioners live nearby and walk to the site. Church members who drive often form carpools. The church also provides bus service.

16. Members presently park adjacent to the church on L Street. There are no residences facing the 400 block of L Street and no parking restrictions on that block. The pastor testified that he has never received any complaints from area residents regarding the use of on-street parking by church members.

17. The record contains twenty-seven letters from residents of the immediate area in support of the application.

18. The Office of Planning, by memorandum dated July 18, 1984, recommended denial of the subject application. It was the opinion of the Office of Planning that there is no exceptional or extraordinary condition of the property regarding topography, size, shape or other aspect which warrants the granting of an area variance. The Office of Planning was further of the opinion that the proposed church expansion could have adverse area impacts on traffic and parking. The Board does not concur with the recommendation of the Office of Planning.

19. The Board finds that the site is affected by an exceptional or extraordinary condition. The 3,600 square foot site does not meet the minimum lot area of 4,000 square feet necessary for the construction of the proposed church building in the R-4 District. The site is abutted on three sides by public rights-of-way. The applicant is therefore unable to acquire the necessary 400 square feet of land in those directions. The applicant has diligently explored the only alternative means of acquiring the additional lot area required by offering to purchase the property immediately to the north. The applicant demonstrated that efforts to purchase that property have failed.

20. The Board finds that the applicant would suffer a practical difficulty if the requested relief were denied in that the existing deteriorating church structure could not be rebuilt at its present location because of the small size of the lot.

21. The church has existed at this location for many years without adverse impacts on the immediate, area as demonstrated by the numerous letters in support submitted by residents of the subject square.

22. Advisory Neighborhood Commission 2C made no recommendation on the subject application.

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 an area variance, the granting of which requires proof of a practical difficulty upon the owner arising out of some exceptional condition of the property itself. The Board concludes that the subject site is affected by an exceptional or extraordinary condition by virtue of the size of the lot and the existence of public rights-of-way on three sides. It is unlikely that the existing rights-of-way will be closed or that the applicant can acquire additional land. The Board concludes that the strict application of the Zoning Regulations would result in a practical difficulty upon the applicant by precluding the rebuilding of the existing church on the subject lot.

