

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14309 of Faith Baptist Church, Inc., as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements (Sub-section 3303.1) for the proposed conversion of a church to an apartment house of twenty-four units in an R-4 District at premises 901 South Carolina Avnuen, S.E., (Square 946, Lot 805).

HEARING DATE: July 17, 1985  
DECISION DATE: September 4, 1985

FINDINGS OF FACT:

1. The application was originally advertized to request three variance from the Zoning Regulations. By revised memorandum dated July 2, 1985 the Zoning Administrator advised the Board that the variances requested from Sub-section 7202.1 regarding the number of on-site parking spaces, and Sub-section 7204.1 regarding the size of the parking spaces, were not required. In addition the number of units proposed for the project is 24 not 33 as advertized. The Board finds that no party would be prejudiced by the amendments. The application was so amended at the public hearing.

2. The subject premises, known as 901 South Carolina Avenue, S.E., is located at the intersection of South Carolina Avenue, 9th and D Streets, S.E. The property is located within an R-4 District.

3. The subject site is essentially triangular in shape with 29.42 feet of frontage on 9th Street, 134.0 feet of frontage on South Carolina Avenue, and 141.75 of Frontage on D Street. The subject lot has a land area of 7,263 square feet.

4. The subject lot is improved with a two to three story brick church. The building occupies almost the entire lot and the bays are projections into the public space which serves as a yard. The structure has been used by the Faith Baptist Church for customary religious and general church purposes for the past 15 years.

5. The subject site is located on Capitol Hill within the Capitol Hill Historic District. The surrounding area north and east of the subject premises is characterized by

residential row dwellings. On the adjacent east lot is a row house. South east and two blocks west of the subject property is a large C-2-A zoning district which extends along Pennsylvania Avenue. The C-2-A District is characterized by low density commercial/retail uses. The subject site is located one block east of the Eastern Market Metrorail Station.

6. The applicant has contracted to sell the subject premises to a developer who seeks to convert the church units to a 24 unit residential condominium.

7. The applicant is seeking a variance from Sub-section 3303.1 of the Zoning Regulations which requires a 900 foot minimum lot area per residential unit in the R-4 District. The applicant would be required to provide a 21,600 square feet lot area for the twenty-four proposed units. The existing lot area is 7,263 square feet. A variance of 14,337 square feet is required.

8. Section 8207.11 of the Zoning Regulations provides that a variance may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

9. The church has an active congregation of 75 members. The sanctuary has a capacity to hold 936 people. In addition to mid-week and sunday religious services, the church has housed the Capitol Hill Montessori school for seven years, civic meetings and other churchs durning their relocation periods. Most of the church's parishoners do not live in the Capitol Hill area. The church has not received any complaints from neighbors regarding parking problems caused by the church.

10. The church's owners cannot afford to maintain the structure which is deteriorating and in need of major repairs. The property has been actively marketed for sale for three-and-a half years. In that time no sufficient offers were made for the church despite its being listed with four real estate brokers.

11. Matter-of-right development would allow the structure to be converted into eight residential units which would not be marketable or architecturally practical.

12. Because of its status as a historic structure the church could not be demolished in order to build matter-of-right row houses on the site.

13. The contract purchaser, a resident of Capitol Hill, has developed numerous residential renovation projects on Capitol Hill including the adaptive reuse of the Logan School into condominiums. He has been awarded the contract to convert the vacant Carbury School into 23 condominiums by the Department of Housing and Community Development.

14. The developer of the proposed project intends to offer the following mixed unit types: one efficiency with 440 square feet, fifteen one bedroom units with between 600-690 square feet, two one bedroom plus study units with between 950-970 square feet, two two bedroom units with between 1170-1200 square feet, and four two bedroom plus study units measuring between 1150-1160 square feet.

15. The one bedroom units will sell for between 60,000 to 80,000 dollars. The units with over 1,000 square feet. will be priced from 100,000 dollars up.

16. The range of units is proposed to include a variety of buyers. The major market for the proposed units is intended to be people who presently rent on Capitol Hill.

17. The original proposal called for 33 units. The developer revised the plans to provide indoor parking and decrease the number of units in an effort to cooperate with neighbors who have concerns about the density of the project.

18. The marketability of the project would be jeopardized by a further decrease in the number of units. There would be few eligible buyers in the Capitol Hill market for larger units. Three bedroom or larger units would be competing with the townhouse market. There is a good market for one bedroom condominiums in the area of the subject site. Very large and costly units would not be successful.

19. Although the subject structure is a building with a great amount of square footage and volume, from the exterior the building is visually broken down into a number of smaller units relating to the scale of the townhouse on the north side to the structure. Because of its large size the building also relates to the scale of the commercial structures along Pennsylvania Avenue, thus working as a transitional building.

20. No major exterior alterations are proposed. The facade will be repaired and restored in a manner acceptable to the Historic Preservation Review Board.

21. Basements and on-grade units will have private entrances as a townhouse would. Proposed landscaping will be residential in nature with brick walks leading up to the doors.

22. The layout of the apartments primarily relates to the existing structure and its facade including fenestration.

23. The western portion of the structure, referred to as the old building, was built in 1891 and contains a basement. The large eastern portion of the structure referred to as the newer building was built in 1973 and has a slab on grade first floor. The floors of the two structures are not aligned.

24. The older building will contain seven units. The three one-bedroom units in the basement will have ceiling heights of nine feet. The windows are 5 feet 6 inches high. Area ways extending down to the basement floor level surround the structure on the north, south and west sides.

25. The main entrance to the structure faces west onto the park. A stairway and corridor lead to the courtyard in the newer building.

26. The two two-bedroom units on both the first and second floor of the older building have heights of 15 feet with lofts containing the second bedroom and study.

27. The first floor of the newer building, or eastern addition, contains the parking garage, the efficiency and four one-bedroom units. The second floor contains an open courtyard with a fountain and seating. Units in the newer building will have windows facing on this courtyard providing them with light and air. Because of this the existing exterior fenestration can remain intact.

28. There will be one one-bedroom units in each of the four corners of the second floor of the newer building. The two center two-bedroom units will be two stories to embrace the existing large arched windows. There will be four additional one-bedroom units on the third floor as well as the lofts of the center units.

29. On the fourth floor will be two one-bedroom units and a roof deck and storage areas to be for the use of all the building's occupants.

30. There will be spacious stairwells with windows and skylights on the west and east sides of the newer building and an additional common entrance in the northeast corner.

31. Although the Zoning Regulations would require eight parking spaces for the development, the applicant is allowed a credit of 20 parking spaces for the existing church structure.

32. The applicant will provide nine parking spaces within the subject structure. Four of these spaces will accommodate full-size cars and will measure 19 feet by eight feet or 19 feet by seven feet six inches. Five spaces will measure 16 feet by seven feet six inches. The spaces will be accessed from a curb cut and a 16 foot driveway on D street. The garage door will face the backs of commercial properties fronting on Pennsylvania Avenue.

33. The garage is blocked from expanding in area by the presence of loadbearing walls and columns that are essential structural elements.

34. Garage parking spaces will be sold to condominium owners on a first-come-first-serve basis for a cost of between five to six thousand dollars.

35. The applicant has requested from the Department of Public Works (DPW) that two locations be designated for diagonal parking including the south side of South Carolina Avenue between 9th and 10th Streets, S.E., which is adjacent to the proposed project, and the south side of South Carolina Avenue between 10th and 11th Streets, S.E. Diagonal parking results in the accommodation of 12 vehicles on South Carolina Avenue between 9th and 10th Streets rather than seven vehicles which result from parallel parking. Likewise, on South Carolina Avenue between 10th and 11th Street, seven diagonal parked cars can be accommodated rather than four parallel parked vehicles. Therefore, if approved by DPW, diagonal parking in the aforementioned two locations would result in an additional eight on-street parking spaces in the vicinity of the proposed project.

36. The applicant has further requested from DPW that the residential parking permit program include the east and west sides of 9th Street, between D Street and South Carolina Avenue, and the north and south sides of D Street between 9th and 10th Street's. This is intended to reduce commuter parking in the area and thus make available more spaces for residents.

37. A traffic survey was prepared on behalf of applicant by a resident of Capital Hill who was not qualified by the Board as an expert witness. The data tabulated indicated that an average of 30 parking spaces

were available per day in the two block area surrounding the subject site.

38. By memorandum dated July 10, 1985, the Office of Planning (OP) recommended conditional approval of the subject application. The OP reported that the subject property, as improved by the existing church building, creates a practical difficulty to the owner because of the large size and unusual configuration of the structure. Further, the application of historic district controls to the subject property makes it impractical for the applicant to adaptively reuse the church structure without variance relief. The Office of Planning further reported there are many positive aspects to this application which render it beneficial to the public good and consistent with the integrity and purpose of the zone plan. The granting of the requested relief would permit the creative reuse of a vacant structure, would provide 24 additional housing units, and would permit the restoration of the structure's deteriorating facade in a manner consistent with the character of the Capitol Hill Historic District.

39. The OP determined that the issue was one of parking, whether the number of spaces provided by the applicant was sufficient to accommodate the parking demand generated by a 24 unit residential condominium. If the number of spaces was insufficient, the Office of Planning reported that this condition would be a substantial detriment to the public good which would impair the intent and purpose of the zone plan. The OP further reported that the efforts that the applicant has undertaken with the DPW to increase the overall number of curb spaces in the immediate area of the proposed project use as well as ensure a greater number of reserved spaces for neighborhood residents in conjunction with the provision of on-site parking sufficient to waylay any concerns as to adverse impacts. Accordingly, the Office of Planning recommended approval provided the following conditions are imposed:

1. The maximum number of units permitted shall be 24.
2. A minimum of nine-on-site parking spaces shall be provided.
3. Prior to receipt of his building permits, the applicant shall demonstrate proof of diagonal parking along the south side of South Carolina Avenue between 9th and 11th Streets, S.E. and proof of the inclusion of the east and west sides of 9th Street, S.E. between D Street and South Carolina Avenue, S.E. and the north and south sides of D Street, S.E. between 9th and 10th Streets, S.E. in the residential parking permit program.

40. The Board concurs with the reasoning and general recommendation of the OP. The Board does not agree with condition number three as listed above since diagonal parking and inclusion of streets into the residential parking permit program are not determined by the applicant but by residents of the area and DPW.

41. The Department of Public Works reported by memorandum, dated July 16, 1985 as to the transportation system at or near the subject site that the site is bounded on the north by South Carolina Avenue S.E., on the south by D Street S.E. on the west by 9th Street S.E. and on the east by 10th Street, S.E. South Carolina Avenue is a 48-foot-wide local street with minimal daily traffic; residential permit parking is in effect on both sides of the street. D Street is a local Street with minimal daily traffic. Two hour parking is permitted between 7:00 A.M. and 6:30 P.M. on the southside of the street. Parking is unrestricted in the north curb lane. Ninth Street is a local street with unrestricted parking and Tenth Street is a local street with unrestricted parking.

Nine Metrobus routes operate within one block of the site. The Eastern Market Metrorail Station is approximately one one-half blocks from the site.

42. The DPW further reported that the proposed development would not generate enough peak hour traffic to have any significant impact on the street system. Although, the design and arrangement of the spaces in the on-site parking garage is not standard the DPW had no objections to the parking design since the spaces are not required and the parking would be necessary to accommodate some of the tenant parking demand. The 1980 U.S. Census of automobile ownership for the area is 0.8. vehicles per household. This would mean that approximately 19 cars could be expected to be owned by the occupants of the proposed condominium. Although the transit system is excellent in the area, auto ownership is still the most important factor in estimating the demand for the number of parking spaces in any location.

The Department of Public Works had no objections to the curbside angle parking proposed between 9th and 11th streets on the South side of Carolina Avenue since South Carolina Avenue is wide enough to accomodate angle parking and still allow for one lane of traffic in each direction. Also, since the volume of traffic on South Carolina Avenue is minimal there would be no significant impact caused by angle parking on the street. Nevertheless, because this is a neighborhood parking issue, the DPW recommended that final approval of the curb-side angle parking be contingent upon the approval of the Advisory Neighborhood Commission 6B. Also DPW noted that these curb-side parking spaces would be

available for public use and could not be reserved for the proposed condominium.

43. The Department of Public Works would design the parking spaces at a 39 degree angle, with the parking spaces arranged for back-in maneuvering. The DPW will design and sign the parking according to DPW specifications. The net gain in total curb-side parking spaces would be approximately five parking spaces as a result of the 39 degree angle parking design. Regarding the proposed residential Parking permits the DPW found that since no residential address is to be fronting on D Street, new legislation would be required to qualify this street segment for the RPP program. Because 9th Street has already been granted RPP status, no additional petitioning is required to designate that segment of 9th street adjacent to the development as RPP, once the residential units are constructed. The Board concurs with the conclusion of the DPW that the proposal would not generate enough peak hour traffic to have any significant impact on the street system.

44. Advisory Neighborhood Commission 6B by letter dated July 10, 1985 reported that at a duly noticed and conducted meeting on July 9, 1985, it passed a resolution by a vote of five to two to oppose the subject application. No grounds for opposition were stated. No issues and concerns were expressed. Accordingly, the Board has no matters to address.

45. An ANC single member district commissioner testified in support of the application since it will provide housing in an area where it's needed and the subject structure has deteriorated and is need of renovation. The Board concurs.

46. By letter dated July 12, 1985. the Capital Hill Restoration Society (CHRS) reported that it had voted to support the subject application because it considers the proposed use of the church to be an adaptive reuse of a building located in an historic district, particularly in light of the large floor space and volume in the building. In addition, the impact of the proposed conversion will be minimal on the surrounding residential area. D Street has no residential units between 9th and 10th Streets. The D Street entrance for parking is bounded on the south side by commercially zoned property and the 9th Street facade is across the street from a park. The north facade faces South Carolina Avenue, which is a wide street. Finally, since the Metro station is only one and a half blocks from the church building, residents of the apartment house should have less incentive to own automobiles, thus minimizing the impact of the development on the existing residential area. CHRS also reported that it was pleased to note that the developer is proposing to provide at least nine parking spaces in the

building to help alleviate parking problems in the neighborhood, despite the fact that no parking spaces are required by the regulations. The Board concurs.

47. A neighboring property owner, who is also a realtor in the Capitol Hill area and had attempted to sell the subject structure, testified in favor of the application. He stated that it is very unlikely that the church would be used as a church again and that no developer would reasonably consider converting the building into the eight residential units permitted as a matter-of-right. He further testified tht the developer has had experience converting local landmark buildings into residential units. If this application is denied, the building will continue to deteriorate. Potential developers will be discouraged from proposing another residential project at the site. The Board Concurs.

48. A letter in support of the application was submitted to the record by another neighbor of the subject site. He endorsed the project for the following reasons:

- a. The church buildings is worth preserving as an historic structure.
- b. residential use is appropriate for the area.
- c. The buildings deteriortion is especially undesirable as it is a prominent landmark and.
- d. The potential parking problems do not outweigh the substantial community benefit that would result from the proposed use. The Board concurs.

49. A resident living near the subject site testified that she was in opposition to the subject application because adequate parking was not provided for the project. Although she does not have a car, she observed that parking in the area of the subject site is scarce. She suggested that the developer eliminate a number of the proposed units and provide more on-site parking or convert the lawn on the public space in front of the building into parking spaces.

50. The Board finds that the control of public space is under the jurisdiction of the Department of Public Works not the Board and there would likely be strong opposition from other neighbors if the lawn were converted to a parking area as evidenced by finding number 57.

51. Nineteen neighboring property owners and residents signed a petition dated July 16, 1985 requesting that the variance be denied on the grounds that the variance requested would allow too great a density leading to parking problems. Three neighbors submitted letters to the record

citing the above reasons for their opposition to the proposed project.

52. The Board finds that the developer already has reduced the number of units proposed from 33 to 24 and that to further reduce this number could jeopardize the marketability of the project. The applicant has provided as many indoor parking spaces as are physically practical and is working with the DPW to assure that more residential parking is available in the area. With these efforts, the worsening of a parking problem as a result of the proposed project will not be substantially detrimental to the neighborhood. If the developer included fewer units the decrease in density for a two bedroom unit as opposed to two one bedroom units would be marginal if at all.

53. Another neighbor testified in opposition to the application stating that the parking survey prepared by the applicant was conducted in the summer and did not take into account the effect of the season when people are on vacation and universities are not in full session and neighbors were not consulted about particular concerns they had about parking problems. This neighbor further testified that the 1980 U.S. census figure of a ownership ratio introduced by the DPW's report may be general ratio that includes commercial areas and that it would be a higher ratio if measuring only residential areas.

54. The Board finds that the applicant's parking survey did not demonstrate that the proposed project would not have a negative impact on parking in the neighborhood of the subject site. The Board further finds that the eight car ownership ratio is per household which would not imply inclusion of businesses.

55. A third neighboring property owner in opposition to the application testified that she is not opposed to a residential use in the subject structure and would like to see it renovated but that the scarcity of parking in the area will increase. She hoped that residential parking restriction would be implemented along D and 9th Street adjacent to the subject site. The Board finds that although the restriction would limit commuter parking in neighborhood streets it is subject to approval by the DPW.

56. A fourth resident in the neighborhood of the subject site testified that he was opposed to the application for reason stated above which have already been addressed. Also, he would not like to see diagonal parking along Carolina Avenue as proposed since it would detract from the appearance of the property and give the impression of a traffic jam or parking lot. It would decrease the aesthetic and economic value of the area.

57. The Board finds that the DPW and the ANC and not the Board have authority over the implementation of the diagonal parking.

CONCLUSIONS OF LAW AND OPINION:

Board on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the grant would not be of substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met its burden of proof. The practical difficulty is inherent in the land because of its shape and size and because it is almost completely occupied by an exceptionally large, historic structure. The applicant can not increase the lot area because of the adjacent right-of-ways and public space on three sides of the structure and adverse ownership on the fourth side. Because of its historic appearance the structure could not be removed nor could the mass be reduced. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The Board also concludes that it has accorded to the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The maximum number of units shall be twenty-four, as shown on the plans marked as Exhibit No. 9 of the record;
2. The applicant shall provide nine parking spaces as shown on the parking layout marked as Exhibit No. 35A of the record;
3. The nine parking spaces shall be exclusively for the use of a resident/owner of the proposed development. No unit owner shall be permitted to more than one parking space on the subject site; and
4. Prior to the issuance of building permits, the applicant shall submit proof of having made application to the District of Columbia for diagonal parking along the south side of South Carolina Avenue between 9th and 11th Streets, S.E. The applicant shall also submit proof of having made application to the District of Columbia for the inclusion of the east and west sides of 9th Street between D Street and South Carolina Avenue and the north and south sides of D Street between

9th and 10th Streets, S.E. in the Residential  
Parking Permit Program.

VOTE: 4-0 (Maybelle T. Bennett, Charles R. Norris, William  
F. McIntosh and Carrie L. Thornhill to grant;  
Douglas J. Patton not present, not voting)

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

ATTESTED BY:



CECIL B. TUCKER  
Acting Executive Director

FINAL DATE OF ORDER: 07 JAN 1986

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 CONSUMER AND  
REGULATORY AFFAIRS.

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