

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14312, of Peace Baptist Church, as amended, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7205.3 to use the subject site as accessory parking spaces for the Church in an R-4 District at premises located on the southeast corner of the intersection of 17th Street and Gales Place, N.E., (Square 4511, Lot 829).

HEARING DATE: July 17, 1985
DECISION DATE: July 17, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The application was amended at the public hearing. The relief requested was advertised under Paragraph 3101.49. Paragraph 3104.49 of the Zoning Regulations could not accommodate the application, since the church is separated from its accessory parking lot by a number of apartment buildings instead of only a public alley as permitted. The applicant now seeks relief under Sub-section 7205.3 of the Zoning Regulations. The Board found that the requirements and intent of two paragraphs were essentially the same, and that no potential party has been prejudiced by the citation of the incorrect paragraph number in the notice of the hearing.

2. The subject site is located at the southeast corner of the intersection of Gales Place and 17th Street, N.E. It is in an R-4 District.

3. The subject site is rectangular in shape. It has a frontage of 81.75 feet along 17th Street and 205 feet along Gales Place and the public alley to the south.

4. The subject site is unimproved except for a chain link fence. Vehicles enter the site from Gales Place.

5. The R-4 District extends to the east, west and south of the subject site. Across Gales Place to the north is a R-5-B District. Less than one-hundred feet to the northwest of the site is a C-M-1 District.

6. The Peace Baptist Church is located on lot 828 in the same square as the subject site and is approximately one-hundred feet to the east of the subject site.

7. The applicant proposes to use the subject site for accessory parking spaces for the Peace Baptist Church. Such a use requires a special exception pursuant to Sub-sections 7205.3 and 8207.2 of the Zoning Regulations.

8. Sub-section 8207.2 provides that the Board is authorized to grant special exceptions where in the judgment of the Board such special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighborhood property in accordance with said Zoning Regulations and maps, subject in each case to the special conditions specified in the pertinent articles of the Zoning Regulations.

9. Sub-section 7205.3 provides that if approved by the Board, open parking spaces accessory to any structure may be located elsewhere than on the lot upon which the structure is located, provided that:

- A. It is not practicable to locate such spaces in accordance with Sub-section 7205.1 because of:
 - 1. Unusual topography, grades, shape, size or dimensions of the lot;
 - 2. The lack of an alley or the lack of appropriate ingress facilities through existing or proposed alleys or streets; or
 - 3. Traffic hazards caused by unusual street grades.
- B. When the accessory parking spaces are to be located elsewhere than on the lot upon which the structure they are intended to serve is located, such parking on adjacent lots or lots separated only by an alley from the lot upon which the structure is located shall be preferred.
- C. Such spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the structure for which they are designed to serve, but in no case shall they be farther than 800 feet from any lot line of the lot upon which the structure is located; and
- D. The Board may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose such other conditions as it shall deem necessary to assure the continued provision and maintenance of such spaces.

10. Adequate parking for the church is not available at the church lot or an adjacent lot.

11. The subject site has been used by the church as a parking lot since 1975. The parking lot has been functioning without a Certificate of Occupancy.

12. The Board in BZA Order No. 14274, dated July 24, 1985, granted Peace Baptist Church permission to operate a child development center in the church. Condition No. 4 of the grant required that the Church provide eight parking spaces on the subject site for the exclusive use of the child development center during its hours of operation.

13. The parking lot can accommodate between seventy to seventy-five vehicles.

14. The parking lot is used by the church Sundays during the day and for an occasional special service Sunday evenings. It is not rented out for any other use during the week. Occasionally, church conferences held in the neighborhood are given permission to use the lot.

15. The subject lot is not locked during the week. A sign is posted stating that there is no parking on the lot without the permission of the church.

16. The subject lot is well maintained, the debris is removed daily and the grass on the public space in front of the site is cut regularly.

17. The Church was in the process of striping the subject parking lot. One side had been completed by the time of the public hearing.

18. The Church has never received complaints about the operation or maintenance of the parking lot.

19. There are a number of other churches in the neighborhood of the subject site. During regular services and special services of the church other than on Sundays, the use of the subject lot relieves some congestion of on-street parking.

20. The Department of Public Works, by memorandum dated July 10, 1985, reported that the parking lot was in fair condition. The DPW further reported that it had no objection to the subject application if striping is provided on the pavement and the lot is landscaped to provide screening for the residential dwellings across the alley to the south. The Board concurs with the striping requirement. The Board does not find that the applicant can reasonably provide landscaping since the lot is paved up to the lot line.

21. Advisory Neighborhood Commission 6A, by letter dated June 18, 1985, reported that the Commission had voted unanimously to approve the application. The Commission recommended that parking be allowed only on Sundays and for church members, that vehicles be required to have parking stickers and that no on-street parking by church members be allowed.

22. The Board is required by statute to give great weight to the issues and concerns of the ANC when those issues and concerns are reduced to writing in the form of a recommendation. The Board finds the proposed conditions of the ANC to be too restrictive for the uses intended for the parking lot. Parking should be permitted to the Church for church occasions other than its Sunday services. The Church may allow other churches and neighbors to use the lot on occasions. The Church is aware that certain eight spaces are allocated to the child development center. The ANC will also recall that in the aforementioned BZA Order No. 14274 the ANC had recommended that parking for the Child Development Center be located on a parking lot. The Board finds that parking stickers issued to the church members only is also too restrictive. The Board concurs that church members should not park on the neighboring streets. The Board will condition below that the grant be predicated upon the terms as long as the church owns and operates the lot.

23. There was no opposition to the application at the Public Hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirement of Sub-section 7205.3 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and that it will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The Board concludes that granting the requested relief would not have an adverse affect on the use of neighboring properties and would not be contrary to the purpose and intent of the Zoning Regulations for the subject residential neighborhood. Accordingly, it is ORDERED that the application be GRANTED, SUBJECT to the following CONDITIONS:

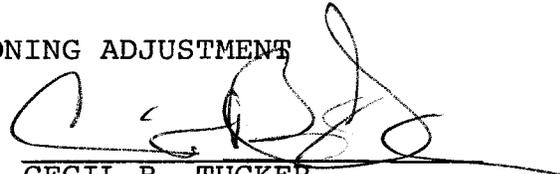
1. Approval shall be for as long as the present applicant owns and operates the parking lot.
2. No landscaping shall be required on the parking lot.

3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved.
7. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh, 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: 03 SEP 1985

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."

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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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