

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14395, of the Trinity Episcopal Church, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.311 to use all three floors and basement of premises 502 Dahlia Street, N.W., as a church sponsored residence for guests of patients receiving treatment at the Walter Reed Army Medical Center and for a variance from the prohibition against the program being conducted at a site other than in the church building(s) or structure(s) in an R-1-B District at premises 502 Dahlia Street, N.W., (Square 3190, Lot 11).

HEARING DATE: February 19, 1986
DECISION DATE: March 5, 1986

FINDING OF FACT:

1. The site, known as premises 502 Dahlia Street, N.W., is located on the south side of Dahlia Street between Piney Branch Road and 5th Street. It is in an R-1-B District.

2. The site is rectangular in shape with a frontage of 57 feet along Dahlia Street and a depth of 140 feet. It is improved with a three-story single family detached dwelling of frame construction.

3. The R-1-B District extends in all directions from the subject site. The Trinity Episcopal Church is located directly to the west of the site.

4. Pursuant to Sub-section 8207.2 and Paragraph 8207.11, the applicant is requesting a special exception under Paragraph 3101.411 to use all three floors and basement of the site as a church sponsored residence for guests of patients receiving treatment at the Walter Reed Army Medical Center and for a variance from the prohibition against the program being conducted at a site other than in the church building(s) or structure(s).

5. Walter Reed is located two blocks west of the site on Georgia Avenue between Aspen Street to the south and Fern Street to the north. The proposed residence, to be called "Trinity House," expects to give priority to emergency and hardship situations. The guests will be referred by Walter Reed and will be expected to be cooperative and self-sufficient. The applicant has indicated that a resident

manager will be on duty to receive guests. A modest fee will be required of the guests at registration.

6. The subject premises will be renovated to accommodate the following features:

A semi-private apartment for the caretaker, kitchen for guests, washer and dryer for guests, storage for sheets, blankets and towels, lounge/living room/communal room for guests, bathroom on third floor, lavatory on the first floor, lavatory in basement, storage for food, staples, recreation room for guests, vending machine, pay phone, five bedrooms keyed separately and exterior door operable by bedroom key.

7. Paragraph 3101.411 permits the operation of a program conducted by a church congregation or group of churches, provided that:

- a. The program is not organized for profit, but exclusively for the promotion of the social welfare of the community.
- b. The part of the program conducted on the property is carried on within the existing church building(s) or structure(s).
- c. The staff conducting the program is composed of persons, at least 75 percent of whom volunteer their time and services.
- d. The operation of the program is such that it is not likely to become objectionable in the Residence District because of noise and traffic.
- e. No signs or display indicating the location of such program shall be located on the outside of the building or the grounds.
- f. Any authorization by the Board shall be limited to a period of three years, but may be renewed at the discretion of the Board.

8. Trinity House will be church-sponsored, not-for-profit, and solely for the social welfare of the community.

9. The proposed program will not be conducted within the existing church building or structure. The program is proposed to be located on a contiguous lot to the lot on which the church sanctuary and educational wing are located.

10. The existing church building contains a sanctuary, community rooms, social hall, kitchen/cafeteria and offices. The existing physical restraints (infrastructure, physical characteristics) of the church property would make it infeasible to conduct the proposed program on the church site, the church building can not be expanded without exceeding the lot occupancy allowance.

11. The applicant did not establish that at least 75 percent of the staff conducting the proposed program will volunteer their time and services. The Board as a condition to the grant will require such evidence prior to the issuance of a certificate of occupancy.

12. The subject premises is located on a large lot which exceeds the requirements of the R-1-B District. The church caretaker/resident manager will make certain that the temporary guest will observe the house rules and cooperate in their use of the facilities in a way so as not to call attention to the use from the adjacent or nearby residential neighbors. Noise beyond that produced by a typical family residence is not expected to occur on the site.

13. The guests at the house will be traveling from out-of-town and as Walter Reed Hospital is a short walk from the site, automobile usage should not be excessive.

14. Two driveways flank the property providing access to the rear where four parking spaces will be provided.

15. The structure will have no signs indicating the location of the proposed program.

16. The structure will retain its single family residential appearance. A primary objective of the renovation of the site is to maintain and/or restore the original historical architectural features. In response to a request by the Advisory Neighborhood Commission, the house will have a central heating system instead of individual room units.

17. The interior floor plan will generally be maintained. However, laundry facilities, a bathroom and kitchenette will be put in the basement. The dining room will be converted into a semi-private unit for the resident manager.

18. By memorandum dated February 12, 1986, the Office of Planning (OP) recommended that the subject application be conditionally approved. The OP was of the opinion that the proposed guest house for families and individuals visiting relatives receiving emergency medical care at Walter Reed Army Medical Center is a worthwhile, humanitarian service. The OP further reported that the use of the subject property as proposed can function within the intent and purpose of the provisions of Sub-paragraph 3101.411 which are

established for the protection of the residential character of the neighborhood.

The OP recommended that the application be approved subject to the applicant's compliance with the following conditions:

- a. The applicant shall provide a minimum of three on-site parking spaces.
- b. No sign or display shall be posted on the property as per 3101.4115 of the Zoning Regulations.
- c. There should be no changes made to the exterior or interior infrastructure which could be considered as rendering the premises infeasible (unreasonable financially or physically) for later conversion back to a single family residential dwelling.
- d. Before taking action on this application, the Board shall take receipt of the recommendation of the Historic Preservation Review Board.
- e. The applicant shall demonstrate to the Board that the installation of heating and cooling appliances will not be placed in windows and/or project from the facade of the building, in the interest of respecting its historic character and setting.

19. The Board concurs with the reasoning and general recommendations of the OP. However, the Board finds that the recommendation of the Historic Preservation Review Board would not be decisive in the Board's grant of the application. Such an issue is not a zoning issue.

20. By letter dated February 7, 1986, Advisory Neighborhood Commission (ANC) 4B reported that it voted to recommend disapproval of the subject application. The following objections were cited:

- a. Under the plan, that portion of the building to be occupied by the resident manager would be essentially converted to a separate private quarters destroying the single family characteristics of the building, not in keeping with the R-1-B Zoning.
- b. The change from a central heating unit to individual heating units for each room would also further change the appearance to a multi-family dwelling.

- c. The historical appearance of the building would be changed, since the individual heating units would be visible, as they would have holes cut into the external walls in order to accommodate them, which is not acceptable in a historical area.

21. The Board notes the concerns of the ANC, but finds that they can be addressed by placing specific conditions upon the grant of the application.

22. By letter dated February 11, 1986, Plan Takoma reported, that in addition to the concerns expressed by the ANC, the following factors affect the subject site:

- a. The home has been vacant and deteriorating for over 5 years and its interior is in need of substantial repair. In 1983, at the repeated urging of Plan Takoma, exterior roof and chimney repairs were completed. While offers from families to purchase the home for use as a single family dwelling have been made the church has been reluctant to sell the property. With the increasing property values in Takoma this is still a viable option open to the Trinity Church.
- b. In 1984, Plan Takoma advised the Trinity Church that while supporting the concept of Trinity House, it was very concerned over the need for a special exception and/or variance which would allow six or more non related individuals to live in the home. The Trinity Church now plans a resident capacity of ten residents (two per room) plus a house manager or a total capacity of 11 residents.
- c. Available street parking could be effected as well as an increase of traffic in the block.
- d. The exterior metal fire escape would detract from the single family and historic architectural flavor of the neighborhood.

While Plan Takoma supports the Trinity House concept, it stated that the special exception is not required nor desired and that the interior of the home should remain in a single family configuration. The Trinity House concept, if pursued, should be done within the present zoning which allows up to five non related individuals within the home, rather than converting the structure into a boarding house. Plan Takoma strongly recommended disapproval of the special exception request.

23. The Board is sympathetic to the concerns of Plan Takoma. However, the Board finds that the applicant seeks its relief through a special exception. The proposed use is deemed a compatible use if it meets the requirements under which it is brought. Also, an owner is not obliged to sell its property for any suggested reasons. Moreover, the Board finds that the parking proposed for the program will be adequate. Also the Board finds that under the special exception relief the proposed number of residents is not excessive so as to have an adverse affect upon neighboring property.

24. Letters in support of the application were submitted by the Episcopal Church's Bishop of Washington and the Colonel of the Medical Service Corps for Walter Reed.

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 that the proposal meet the requirements of Paragraph 3101.411 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board Further concludes that the applicant is seeking an area variance from Sub-paragraph 3101.4112, 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 application will not be of substantially detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met its burden of proof. The program is not organized for profit but for the promotion of the social welfare of the community. The staff will be composed of persons, at least 75 percent of whom volunteer their time and services, the program is not likely to become objectionable to the surrounding residential district. Further, no signs will be located on the outside of the building or grounds. The relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring properties.

The applicant's compliance with the provision of 3101.4112 would cause an undue hardship and practical difficulty since the church facilities can not be enlarged on its site. The Board notes that the subject structure is located on a lot directly adjacent to the church site.

Further, the house will retain its single family residential appearance.

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 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. Approval shall be for a period of THREE YEARS.
2. Operation of the facility shall be limited to the Trinity Episcopal Church.
3. There shall be no signs or displays advertising the use.
4. Renovations shall be in accordance with the plans marked as Exhibit No. 24 of the record.
5. There shall be no changes to the exterior or interior infrastructure which would preclude the reversion of the subject structure to a single family dwelling.
6. The applicant shall provide three on-site parking spaces.
7. The applicant shall provide confirmation that a minimum of seventy-five percent of the staff of the facility are volunteers.

VOTE: 4-0 (Patricia N. Mathews, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; William F. McIntosh not voting, not having heard the case).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

JUL 8 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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