

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14419 of the First Rising Mt. Zion Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the on-site parking requirements (Sub-section 7202.1) for a proposed sanctuary addition to an existing church in an R-5-B District at premises 606 N Street, N.W., (Square 448, Lot 114).

HEARING DATES: May 21 and September 10, 1986  
DECISION DATE: October 1, 1986

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of May 21, 1986. At the request of the applicant, the case was continued until September 10, 1986 to allow the applicant to meet with Advisory Neighborhood Commission (ANC) 2C.
2. As a preliminary matter at the public hearing of September 10, 1986, the applicant testified that the property had been posted fourteen days in advance of the hearing instead of the fifteen days required by Section 302.3 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment. The property was properly posted for the original hearing date and the ANC had contacted the community concerning the application. The Board determined that sufficient notice had been given to proceed with the hearing on its merits.
3. The site, known as premises 606 N Street, N.W., is located at the southwest corner of the intersection of 6th and N Streets, N.W. It is located in a R-5-B District.
4. The site is rectangular in shape with a frontage of 130 feet along N Street and 100 feet along 6th Street.
5. The R-5-B District extends to the direct north, south, and east of the site. An R-4 District is located to the northeast of the site. A C-2-B District is located approximately 120 feet to the west.
6. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the on-site parking requirements (Sub-section 7202.1) for a proposed sanctuary addition to an existing church.

7. In 1973, the Redevelopment Land Agency (RLA) of the District of Columbia designated the applicant as the developers of the site.

8. A plan and contract documents were developed to include a two-phase building program composed of an Education Building, church Sunday School rooms, offices, community space, and a church building replacing the existing church covering sixty percent of the lots' 13,000 square feet. The church was financially able to construct only the Education Building, church Sunday School offices and community space in 1978-79.

9. The church now proposes to complete the two-phase building program by replacing the existing church. The seating capacity of the new church will be for approximately 450 persons approximately equal to that of the existing church. The square footages of the two structures are also approximately equal.

10. The proposed structure is not intended to expand seating capacity or the intensity of church activities.

11. Effective March 1, 1985, the Zoning Regulations were amended to require parking for churches at a rate of one parking space per each ten seats of occupancy.

12. In 1977 when the plans were originally approved, no parking was required for the church.

13. Section 7202.1 requires that 56 parking spaces be provided for the site. The church will provide none of the required spaces. The applicant seeks a variance of 100 percent from the parking requirements.

14. There is no additional land that could be purchased to provide parking in the vicinity of the church.

15. There are no commercial parking facilities in the neighborhood available for the parking needs of the church.

16. There were no complaints from the surrounding residents, that the church members had in the past used on-street parking on the neighboring streets or blocked any driveways.

17. A bituminous paved driveway will be located to the south of the proposed structure. The driveway will provide six nine by twelve foot stacked parking spaces.

18. The apartment buildings in the immediate area of the site provide parking for their residents. Numerous members of the congregation reside in a nearby apartment building owned by the church.

19. Advisory Neighborhood Commission 2C submitted no report on the application.

20. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of 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 relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The Board concludes that the applicant has met the burden of proof. Section 7202.1 of the Zoning Regulations requires that 56 parking spaces be provided for the site. The church is not able to provide any parking spaces on the site which meet the requirements of the Regulations. There is no property near the site which could be used to provide the required parking. At the time the applicant originally gained approval from the Redevelopment Land Agency and the Zoning Administrator to develop the site, the Zoning Regulations did not require any parking for the church. The proposed church is intended to replace an existing church. The seating capacity and intensity of use of the church will not be increased.

The Board notes that lack of any opposition to the application. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibits No. 8, 10, and 25A of the record.

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill and William F. McIntosh to grant; Lindsley Williams to grant by proxy; Paula L. Jewell 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: OCT 28 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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