

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14453, of Revelation Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3104.1) to construct an addition to an existing church in the R-5-A District at premises 2233 Hunter Place, S.E., (Square 5812, Lot 810).

HEARING DATE: July 9, 1986
DECISION DATE: September 3, 1986

FINDINGS OF FACT:

1. The application was considered as a preliminary matter at the public hearing of July 9, 1986. The affidavit of posting indicated that the applicant failed to comply with Section 302.3 of the Supplemental Rules of Practice and Procedure before the BZA which requires that the property be posted fifteen days prior to the public hearing. The affidavit indicated that the property was posted eight days prior to the hearing. The applicant testified that the affidavit was in error and that the property was posted in excess of the fifteen days prior to the hearing. There was no opposition to the application present at the public hearing. The Chairperson ruled that the case be heard as scheduled.

2. The subject property is located on the west side of Hunter Place between Pomeroy and Morris Roads and is known as premises 2233 Hunter Place, S.E. It is zoned R-5-A.

3. The property is basically level and rectangular in shape. The property has a frontage of approximately 180 feet along Hunter Place and a depth of approximately 124.9 feet for a total lot area of 22,482 square feet.

4. The property is presently developed with a brick church building which occupies approximately 5,120 square feet of the site.

5. The applicant proposes to construct an addition to the rear of the existing church resulting in the interior relocation and enlargement of the sanctuary and the addition of an elevator to the main sanctuary from the parking area proposed to be located below the proposed addition to provide easy access for handicapped persons.

6. Section 3104.1 of the Zoning Regulations requires a minimum rear yard of twenty feet. The premises as currently developed provides a rear yard of twenty-nine feet. If the proposed addition is constructed, the rear yard will measure .90 feet. A variance from the rear yard requirements of 19.1 feet or 95.5 percent is therefore requested.

7. The proposed addition will not encroach on the existing side yards, nor cause the structure to exceed the lot occupancy or floor area ratio requirements. The Zoning Regulations require a minimum side yard of eight feet. The existing side yards measure eight feet on the north and 108 feet on the south of the church buildings. The Zoning Regulations permit a lot occupancy of 60 percent. The total lot occupancy will be 0.62 percent. The Zoning Regulations permit a floor area ratio of 0.9. The total floor area ratio proposed will be 0.62.

8. The existing structure was built in stages on three different levels dating back to 1973. Access to the handicapped is hampered by the number of stories and changes in floor levels. As set forth in Finding of Fact No. 5, the proposed addition is intended to provide elevator access for the handicapped from the parking area to the new location of the main sanctuary.

9. The applicant did not explore alternative design proposals with its architect to determine if elevator access for the handicapped could be provided which would not require variance relief.

10. The record contains a letter from the owner of the adjacent property at 2231 Hunter Place in opposition to the application. The opposition contends that the proposed addition will block light and air circulation to that residence which is located eight feet from the applicant's property. The opposition argues that the applicant should expand the structure into the existing 108 feet side yard to the south of the structure which is presently used for parking purposes.

11. The Board left the record open to allow the applicant an opportunity to submit revised plans and computations from the Zoning Administrator evidencing alternate design plans which would still provide the desired handicapped access but reduce or eliminate the need for variance relief.

12. At its public meeting of September 3, 1986, the Board considered a letter from the applicant requesting an extension of time in which to submit the revised plans. The Board was of the opinion that the period of time allowed for the submission was adequate. The Board was further of the opinion that the revised plans might alter or eliminate the required zoning relief substantially enough to create

the need for a new public hearing or eliminate the need for zoning relief entirely. The Board therefore, denied the request for an extension of time to submit the revised plans and computations.

13. The applicant presented no evidence that the site is affected by an exceptional or extraordinary situation or condition.

14. The applicant presented no evidence that the practical difficulty related to providing handicapped access to the main sanctuary could not be overcome if the Zoning Regulations were strictly applied.

15. Advisory Neighborhood Commission (ANC) 6C made no recommendation on the 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 a showing of an exceptional or extraordinary situation or condition of the property which causes a practical difficulty upon the owner which is inherent in the property itself. The Board concludes that the applicant has not met the required burden of proof. The Board further concludes that the subject property is currently in compliance with all applicable Zoning Regulations. The lot is basically flat and rectangular. The granting of the requested relief would result in the creation of a structure which does not comply with the Zoning Regulations for which there is no basis.

The Board further concludes that the variance cannot be granted without substantially impairing the intent, purpose and integrity of the zone plans as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the subject application is DENIED.

VOTE: 4-1 (Patricia N. Mathews, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny; Charles R. Norris opposed to the motion).

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

ATTESTED BY:



EDWARD L. CURRY
Acting Executive Director

NOV 14 1986

FINAL DATE OF ORDER: _____

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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