

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14458, of the Mentrotone Baptist Church, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to permit accessory parking on a lot other than the lot on which the main use is located and a variance to permit such accessory parking on such site which is not contiguous to or separated only by an alley from the use to which it is accessory (Paragraph 3101.491) in an R-5-A District. The said parking lot is located at 5211 B Street, S.E., (Square 5310, Lot 38). The church is located at 5126 B Street, S.E.

HEARING DATE: July 16, 1986

DECISION DATE: July 30, 1986

FINDINGS OF FACT:

1. The property is located on the south side of B Street between 53rd Street and 51st Streets, S.E., at 5211 B Street, S.E. It is located in an R-5-A District in Square 5310, Lot 38. The site has a frontage of 120 feet on B Street and a depth of 100 feet. It is unimproved.

2. The lot is owned by the Mentrotone Baptist Church, which is located north of the lot and directly across the street from the site, at 5126 B Street, S.E.

3. B Street is approximately 50 feet wide. It is a developed street. All contiguous property to the church has been developed.

4. The church has a large congregation, many of whom use private cars to attend services. The church occupies most of the lot on which it is located. No space is provided for parking.

5. The church members use the driveway of a privately owned apartment building and driveways of privately owned homes in the neighborhood for parking. Membership attendance has been down due to the difficulty of parking in the area.

6. The proposed plan provides for a total of twenty-nine (29) spaces. Twenty-five (25) of these spaces will be 9 feet by 19 feet each and four (4) spaces will be 8 feet by 16 feet each.

7. The lot will be maintained with a paving of material which forms an all-weather impervious surface. Bumper stops shall be erected and maintained. No vehicle will project over the lot line or over the public space. The lot shall be kept free of debris and the landscaping shall be maintained in a healthy growing condition. The lighting will be directed on the surface of the parking lot. The applicant proposed no other use for the lot other than parking. No structure will be built on the lot.

8. Pursuant to Sub-paragraph 3101.495, the Board submitted the application to the District of Columbia Department of Public Works (DPW) for review. The DPW did not file a report.

9. The applicant submitted a plat drawn to scale depicting the marked off spaces, the size of these spaces, the width of the aisles, the entrance and exit of the lot, the lighting and landscaping.

10. The Pastor and members of the Mentrone Baptist Church met with the residents within 200 feet of the proposed site. The church exhibited and discussed the parking plans for the parking lot.

11. A petition and letters from surrounding neighbors were submitted indicating they had reviewed the plans of the proposed parking lot and had no objections to its implementation.

12. The Advisory Neighborhood Commission (ANC) 7E, in a letter dated June 17, 1986, informed the Board of their vote to take no action on the application because of a lack of time to determine the wishes of the community.

13. The Board is required by law to give "great weight" to the issues and concerns of the ANC when they are reduced to writing. There were no issues of the ANC for the Board to consider.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception, pursuant to Sub-section 8207.2 of the Zoning Regulations, to permit an accessory parking lot, Paragraph 3101.49, and a variance, pursuant to Sub-section 8207.11 of the Zoning Regulations to permit such accessory parking on such site which is not contiguous to or separated only by an alley from the use to which it is accessory.

The Board has the power to grant a special exception if the applicant has complied with the following requirements of Paragraph 3101.49:

- a. Such parking spaces will be in an open area or in an underground garage no portion of which, except for access, extends above the level of the adjacent finished grade, provided in either case they are located in their entirety within 200 feet of the area to which they are accessory, and provided further that they are contiguous to or separated only by an alley from the use to which they are accessory;
- b. All provisions of Article 74 are complied with;
- c. It is economically impracticable or unsafe to locate such parking spaces within the principle building or on the same lot on which such building or use is permitted because of strip zoning or shallow zoning depth; restricted size of lot caused by adverse adjoining or on such lot; unusual topography grades, shape, size or dimensions of the lot; the lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or egress through existing or proposed alleys or streets; or, traffic hazards caused by unusual street grades or other conditions;
- d. Such parking spaces are so located and facilities in relation thereto are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions;
- e. The Board shall have submitted the application to the District of Columbia Department of Transportation for review and report.

The Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.49. The lot is located directly across the street from the church, thus its entirety is within 200 feet of the area to which it is accessory. The lot will be paved with an all-weather impervious surface. Bumper stops will be erected. No vehicle will project over the lot line. The lot will be kept free of debris and the landscaping maintained. There will be no structure on the lot and all lighting will be projected downward on the surface.

The Board notes the support of the property owners within two-hundred feet of the proposed parking lot. The Board concludes that the parking lot is designed so that it is not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

The applicant does not meet the requirement of Paragraph 3101.49 that requires the lot to be contiguous to or separated only by an alley from the accessory site. Under Paragraph 8207.11, the Board has the power to grant an area variance if the strict application of any regulation would result in practical difficulties to the owner, provided that 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.

The Board concludes that it is impracticable to locate parking spaces on the same lot as the church. The church building occupies that entire lot. Parking was not provided on the church site and there is no space to place parking. All property contiguous to the church has been developed. B Street is a developed street. If the regulations are strictly adhered to, the church would be precluded from providing a parking lot for its members. The members might continue to park in neighborhood driveways. The Board further concludes that the relief can be granted without substantial detriment to the public good or intent of the zone plan. According, the Board ORDERS the application GRANTED SUBJECT to the following CONDITIONS:

- A. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- B. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- C. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- D. 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.
- E. 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: 5-0 (Charles R. Norris, Maybelle T. Bennett, Paula L. Jewell, William F. McIntosh, Carrie L. Thornhill to grant).

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

ATTESTED BY:



EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

AUG 25 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 LICENSES, INVESTIGATIONS AND INSPECTIONS.

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