

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14579, of the True Pentecostal Church of Christ, Inc., pursuant to Paragraph 8207.11 (3107.2, DCMR 11) of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1, 2101.1, DCMR 11) for a proposed conversion of a grocery store to a church in a C-1 District at premises 3311 - 12th Street, N.E., (Square 3930, Lot 43).

HEARING DATE: April 8, 1987
DECISION DATE: May 6, 1987

FINDINGS OF FACT:

1. The site, known as premises 3311 - 12th Street, N.E., is located on the east side of 12th Street, N.E. between Kearny and Lawrence Streets. The site is located in a C-1 District.

2. The site is rectangular in shape with a frontage of 28.50 feet along 12th Street and a depth of 100 square feet. The site is improved with a one-story store front building last occupied by a small grocery store. The structure occupies 2,280 square feet of the lot. The unimproved area is located to the rear of lot. There is no alley access to the rear of the lot.

3. Pursuant to Paragraph 8207.11 (3107.2, DCMR 11) the applicant is seeking a variance from the parking requirements (Sub-section 7202.1, 2101.1, DCMR 11) to convert the structure to a church.

4. There is no space on the site to park vehicles. The site cannot be enlarged as the adjacent sites are developed.

5. There is unrestricted curb space available on 12th Street in the evenings and Sundays. A Metrobus route serves 12th Street. The Brookland metrorail station is a few blocks away from the sit.

6. The Church will initially operate on Sundays from 11:00 a.m. through 3:00 p.m. If the congregation grows the church will operate one evening a week.

7. The Church has been given permission by the Union Hall to use 13 parking space on its 20 space parking lot.

The lot known as premises 3217 12th Street is located at the northeast corner of 12th and Jackson Streets, approximately one block south of the subject site.

8. The Church's use of the lot will be limited to the following times: Sunday from 11:00 A.M. to 3:00 P.M., Monday through Friday, after 5:00 P.M., and Saturdays, all day. These hours will not conflict with the Union Hall activities.

9. The Washington Archdiocese has granted the applicant permission to use the All Saints High School 50 space parking lot. The school is located at the intersection of 10th and Lawrence Streets.

10. Members of the Church will be instructed not to park in front of residences and/or on side streets in the neighborhood.

11. The Church currently has a congregation of 25. The Church's maxi vans will pick up and drop off a maximum of 15 members in front of the church. The vans will be parked in the parking lots cited in Fundings No. 7 and 9 above.

12. By memorandum dated March 31, 1987 the Office of Planning recommended approval of the application as there are exceptional conditions relating to the property which make strict compliance with the parking provisions impractical. The Board concurs.

13. By memorandum dated April 1, 1987 the Department of Public Works (DPW) reported that the site constraints prevent the applicant from providing the required parking. The DPW further reported that the proposed church will not have a significant impact on the surrounding local street system and that with the provision of off-street parking, the local streets should not experience parking spillover due to the church's operation. The Board concurs.

14. The Advisory Neighborhood Commission for Single Member District 5A09 submitted a letter to the record in opposition to the application stating that the surrounding neighborhood was already burdened with parking problems. The Board does not find that the Church will aggravate the parking problems in the area.

15. Persons wishing to testify in favor or opposition to the application were given a chance to do so.

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, purpose and integrity of the zone plan.

Section 7202.1 of the Zoning Regulations requires that 13 parking spaces be provided for the Church. The applicant will be providing no parking spaces at the site necessitating a variance of 100 percent. The Board concludes that the applicants have met the burden of proof. There is no reasonable way that parking can be provided at the site or that the site can be expanded to provide parking. The Board further concludes that since the Church has made arrangements to use nearby lots for parking, the grant of the application will not overburden the parking supply on neighboring streets.

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, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE:5-0 (Maybelle Bennett, Charles R. Norris, Paula L. Jewell, William McIntosh, and Carrie Thornhill to grant.)

ATTESTED BY:


Edward L. Curry
Acting Executive

FINAL DATE OF ORDER: _____

MAY 21 1991

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 REGULATORY AFFAIRS.