

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14585 of Peace Baptist Church, pursuant to Sub-section 8207.2 (3108.1 DCMR 11) of the Zoning Regulations, for a special exception under the provisions of Paragraph 3101.49 (213.1 DCMR 11) to extend an accessory parking lot for church use in an R-4 District at premises rear of 1818 Gales Street, N.E., (Square 4513, Lots 72, 915, 916 and 814).

HEARING DATE: May 13, 1987

DECISION DATE: May 13, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The Greater Mt. Pisgah Baptist Church (the "Church"), is located at 1818 Gales Street, N.E., one block south of Benning Road. The site which is the subject of this application is situated in the interior of Square 4513, bounded by 18th, 19th, and Gales Streets and Benning Road. Lots 72, 915, 916 and 814 are alley lots having a combined area of approximately 7,600 square feet.

2. The subject lots are located north across the alley from the church. There is another parking area immediately adjacent to the Church.

3. The subject site is bordered on the south by a 16 foot wide public alley, on the west by a 20 foot wide public alley and on the north by a 12 foot wide public alley. To the east of the site are the rear yards of a group of row dwellings which front on 19th Street. The site is enclosed by a chain link fence.

4. The northern portion of this square fronts on Benning Road and is zoned C-2-A. The remainder of the square is zoned R-4 and is devoted to residential uses. The subject lots are all located within the R-4 District.

5. In Board of Zoning Adjustment (the "Board") Order No. 12900, dated June 4, 1979, the Board first granted the use of the subject lot for parking by the Church for five years. Board Order No. 14103, dated June 14, 1984, granted the use of the premises (Lots 79, 915 and 916) for parking by the Church for five years.

6. The Church proposes to continue to use the parking lot and Lot 814 for its congregation. The parking facility adjacent to the Church is inadequate.

7. On-street parking in the area is extremely limited especially when sports and other events are in progress at the Stadium or Armory.

8. The lot has the capacity for 29 vehicles.

9. Access to and from the parking lot is by way of the existing Church to Gales Street or by way of the alleys.

10. The lot is policed daily by a member of the Church. The applicant has received no complaints about the operation or maintenance of the parking lot.

11. The lot is unattended and closed when not in use. The lot serves the Church congregation on Sundays and some evenings of the week when services are being held. The lot is also used for parking for funerals and weddings.

12. There are no signs on the parking lot.

13. The parking lot is in compliance with the conditions of the prior orders of the Board.

14. By memorandum dated April 20, 1987, the Department of Public Works (DPW) reported that the lot is in good condition, well situated, and will not have any adverse impact on the adjacent street system. The DPW reported that it had no objections to the proposed parking lot extension.

15. Advisory Neighborhood Commission 6A filed no report on the application.

16. Persons wishing to express support of or opposition to the application were given an opportunity to do so.

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 a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.49 (213.1 DCMR 11) and that the relief requested under Sub-section 8207.2 (3108.1 DCMR 11) 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 property. The Board concludes that the applicant has met its burden of proof. The parking lot is used by the Church and has no commercial advertising signs. The DPW's inspection found the lot to be clean and well maintained.

The Board further concludes that the lot is reasonably necessary and convenient to the Church. The lots are alley lots and their use for parking will have no adverse affect on the present character or future development of the neighborhood.

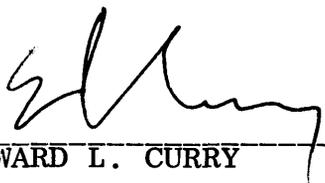
The Board further concludes that the relief sought is in harmony with the general purpose and intent of the Zoning Regulations and maps. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period terminating on June 4, 1989.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. 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.
- F. 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.
- G. 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, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY

Acting Executive Director

JUL 10 1987

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."

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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