

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15538 as amended, of Jericho Baptist Church pursuant to 11 DCMR 3108.1, for a special exception under Section 215 to establish an accessory parking lot in an R-1-B District on Pine Street N.E. (Square 5104, Lots 22-26 and 45).

HEARING DATES: September 11 and November 13, 1991
DECISION DATE: January 8, 1991, February 5, and
April 8, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject application was amended to correct the address on the advertisement. The property was erroneously advertised as 1515 Anacostia Avenue, N.E. However, this address is that of Rodwell M. and J.E. Catoe as indicated on the list of property owners within 200 feet of the subject property.

The application was also amended to correctly reflect the lots at issue. The original application stated that lots 16-26 are affected. However, at the public hearing, the applicant stated that the property actually consists of lots 45, 22, 23, 24, 25 and 26.

2. The subject site is located on the east side of Anacostia Avenue N.E., one-half block north of Polk Street N.E. The unimproved site abuts Pine Street to the north and an alley to the south. Both Pine Street and the alley are unimproved.

3. The frontage of the site facing Anacostia Avenue N.E. is cleared and levelled. A portion of the rear of the site is wooded. The area across Anacostia Avenue to the west is parkland within the jurisdiction of the National Park Service. The area to the east of Anacostia Avenue, near the subject property, is developed with single-family houses. Overall, the character of the area is primarily residential. The R-1-B District in which the property is located allows matter of right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet. Accessory parking lots in an R-1-B District require approval from the Board.

4. The subject property is owned by the applicant, Jericho Baptist Church. The church is located at 4419 Douglass Street, N.E. The applicant proposes to establish an accessory parking lot for 86-spaces on the subject property.

5. The applicant stated that the subject lots are contiguous to one another. However, they are not contiguous to the church property. The lots are within 400 feet of the church lot but there is a piece of property between the subject lot and the church lot that Jericho does not own.

6. The applicant stated that approximately 2,100 people attend worship services on Sunday morning, and the church is always trying to increase its membership. The church also has other activities throughout the week with fewer members attending. The applicant stated that there is a parking lot on the church grounds that contains 66 parking spaces. He stated that the lot is inadequate to accommodate the parking needs of the church's members and many members park on the street. The proposed lot will help alleviate the impact of parking on the street.

7. The applicant stated that the lot will be paved, striped, landscaped, and lighted. Also, bumper stops will be installed at two places on the lot. He testified that there will be a shuttle bus running every five minutes to bring those who park in the lot from the lot to the church. The applicant also stated that the lot is within walking distance from the church.

8. By report dated September 4, 1991 and through testimony at the hearing, the Office of Planning (OP) noted the location of the subject site and the proposed use. OP stated that proposed accessory parking lot is not within a distance of 200 feet from the church. OP stated that the applicant submitted the original plans into the record (Exhibit No. 13) depicting 88 spaces. However, in OP's opinion, this sketch is inadequate. OP advised the applicant to submit a more detailed site plan showing egress and ingress, parking layout, landscaping, lighting and other details.

OP stated that the applicant wishes to use the proposed parking lot on weekdays in addition to weekends. The Office of Planning recommended that the parking lot's hours of operation should be explored at the time of the public hearing to ensure that the neighboring residential properties to the south would not be impacted adversely.

Based on the original plans, the Office of Planning recommended that the application be approved provided that a site plan showing the details mentioned above is submitted and found to be satisfactory by the Department of Public Works.

9. By memorandum dated September 3, 1991, the Department of Public Works (DPW) commented on the subject application. DPW stated that Title 11 DCMR Section 2303 requires parking lots to be paved and no vehicular entrance or exit to be within forty feet of the street intersection. Additionally, there are landscaping and screening requirements. The applicant has not indicated that these requirements will be met; therefore, the Department of Public Works cannot approve the proposal.

10. On November 1, 1991, the applicant submitted revised plans to DPW. The department submitted a supplemental report dated November 7, 1991, responding to the revised plans. In this report, DPW stated that the applicant's revised plans address the requirements stated in the initial DPW report. Further, the applicant indicated that the accessory parking lot will be constructed in accordance with DPW standards. Therefore, the department has no objection to the application.

11. By letter dated July 19, 1991, the Metropolitan Police Department stated that the property is located in the Sixth District and is patrolled by Scout Car 40. The police department stated that based upon its review of the application, it does not appear that the change proposed by this application will affect the public safety in the immediate area or generate an increase in the level of police services now being provided. Accordingly, the department does not oppose this application.

12. Advisory Neighborhood Commission (ANC) 1A submitted a report dated August 20, 1991, stating that it does not object to the application. The report did not state the reasons for the ANC's position, nor did anyone representing the ANC appear at the public hearing.

13. No one appeared at the public hearing to testify as a neighbor in support of the application.

14. One neighbor who resides at 4409 Polk Street, N.E. testified in opposition to the application. She stated that she represents other residents in the area who also oppose the application. She expressed the following concerns:

- A. Parking is a problem in the neighborhood because of the church. If the lot is allowed, there might be an increase in the number of people who attend the church. This will further impact parking conditions and create dangerous traffic conditions for children who play in the area.
- B. The applicant constructed an addition at the rear of the church without consulting the neighbors. The church owns other properties in the community but has not informed

area residents of how it plans to develop this property. It is likely that the development of the subject parking lot is part of a plan for further, more extensive, development by the church. As an institution, the church is encroaching on the neighborhood.

- C. The area where the subject lot is located is at a dead end. There is a piece of land adjacent to the subject lot which may be rendered useless if the parking lot is allowed to be developed.
- D. The church could use other parking lots in the area that are unused much of the time.

This opposing neighbor suggested that the church encourage its members to take the metrorail. She also stated that the church should examine the possibility of having its members park at Kenilworth-Parkside or Aquatic Gardens on the weekends or during the week.

15. Responding to the concerns expressed by the opposition, the applicant stated that not all of the cars parked on the street belong to church members. Some are abandoned cars. Further, the church is a community church. Some of the church members live near the church. They leave their cars parked in front of their homes and they walk to the church.

The applicant stated that it will be discourage the members from parking cars illegally. Also, the church is willing to work with the community to resolve any problems. This includes giving cones to neighbors to reserve their parking spaces.

16. At the end of the public hearing of November 11, 1991, the Board directed the Office of Planning to coordinate a meeting between the church and the community to identify problems related to the existing operation of the church as it relates to parking and how the church plans to address those issues. The participants were asked to report on the meeting to allow the Board to assess the impact that a parking lot would have on the community.

17. At the public meetings of January 8, and February 5, 1991, the Board deferred consideration of the application for decision after the Office of Planning stated that it was unsuccessful in convening a meeting between the applicant and the community. At the public meeting of April 8, 1991, the Board decided the application as further set forth herein.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. A large number of cars that are parked in the area belong to church members.
2. The applicant is interested in increasing membership at the church.
3. The applicant has not communicated with neighbors about future development plans.
4. The plans submitted by the applicant do not reflect lighting as required under 11 DCMR 2303.1.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish an accessory parking lot for a church in an R-1-B District. The granting of such a special exception requires a showing through substantial evidence that granting the relief requested will be in harmony with the general purpose and intent of the Zoning Regulations and Map and that it will not adversely affect the use of neighboring property. The applicant must also meet the requirements of Title 11 DCMR Section 215 and 2303.

The Board concludes that while some of the applicable provisions of the Zoning Regulations have been met, the applicant has not met this burden of proof. The provisions of Section 215 are as follows:

215 ACCESSORY PARKING SPACES (R-1)

- 215.1 Accessory passenger automobile parking spaces elsewhere than on the same lot or part of a lot on which the main use is permitted, except for a one-family dwelling, shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3108 of chapter 31 of this title, subject to the provisions of this section.
- 215.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.
- 215.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200') of the area to which they are accessory.

- 215.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.
- 215.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under Section 2303.3 modify or waive the conditions specified in Section 2303.2 where compliance would serve no useful purpose.
- 215.6 It shall be economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:
- (a) Strip zoning or shallow zoning depth;
 - (b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;
 - (c) Unusual topography grades, shape, size, or dimensions of the lot;
 - (d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or
 - (e) Traffic hazards caused by unusual street grades or other conditions.
- 215.7 Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.
- 215.8 Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Public Works for review and report.

The Board concludes that the accessory parking spaces are not all located within 200 feet of the church lot as required by Subsection 215.3. Further, the accessory parking spaces are not contiguous to the church lot. Nor are they separated only by an alley from the church lot. Therefore, the requirements of Subsection 215.4 have not been met.

The Board concludes that the applicant has failed to meet the requirement of Subsection 215.7 which requires a showing that the

parking spaces will be located so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

Pursuant to Subsection 215.5, the applicant is required to meet the applicable provisions of Chapter 23. These provisions are as follows:

2303 PARKING LOTS

2303.1 A parking lot in any district shall conform to the following special provisions:

- (a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials or other material approved by the District of Columbia Department of Public Works as structurally equivalent or better, which form an all-weather impervious surface, and which is a minimum of four inches (4") in thickness.
- (b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line;
- (c) 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 the use or structure is otherwise permitted in the district in which the parking lot is located;
- (d) No vehicular entrance or exit shall be within forty feet (40') of a street intersection as measured from the intersection of the curb lines extended; and
- (e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.
- (f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning

Adjustment for a parking lot otherwise requiring Board approval.

- 2303.2 In addition to the provisions of Section 2303.1, a parking lot located in an R-1, R-2, R-3, R-4 or R-5-A District, and a parking lot located in any other district where such parking lot is contiguous to an R-1, R-2, R-3, R-4 or R-5-A District, shall be screened from all contiguous residential property located in an R-1, R-2, R-3, R-4 or R-5-A District by a solid brick or stone wall at least twelve inches (12") thick and forty-two inches (42") high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42") in height when planted.
- (a) The parking lot shall be screened from all contiguous residential property located in an R-1, R-2, or R-3 district by a solid masonry wall at least twelve inches (12") thick and forty-two inches (42") high; and
 - (b) All parts of the lot not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance.
- 2303.3 If approved by the Board of Zoning Adjustment, the conditions set forth in Section 2303.2 may be waived or modified.
- 2303.4 Before authorizing a waiver or modification, the Board shall give consideration to the following:
- (a) The adequacy of protective and screening walls located on adjacent residential property;
 - (b) Topographic and traffic conditions; and
 - (c) Any adverse effect the requested waiver or modification of standards may have on adjacent residential property.
- 2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.

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The applicant did not provide any information on how the parking lot will be kept free of refuse and debris pursuant to Paragraph 2303.1(f).

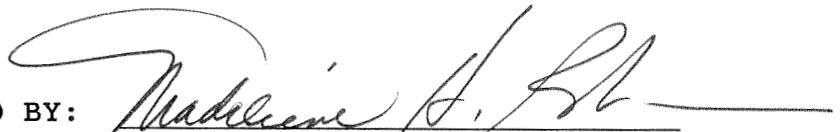
The Board further concludes that because the applicant has failed to meet with the Community to try to resolve issues raised by the opposing residents, the Board is without adequate information to determine whether granting the application would be in harmony with the general purpose and intent of the Zoning Regulations and whether the accessory parking lot will adversely affect the use of neighboring property.

In light of the foregoing, the Board **ORDERS** that the application is hereby **DENIED**.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell to deny Carrie L. Thornhill to deny by absentee vote, Angel F. Clarens and Sheri M. Pruitt not voting not having heard the case).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

NOV 30 1993

UNDER 11 DCMR 3103.1, "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."

15538Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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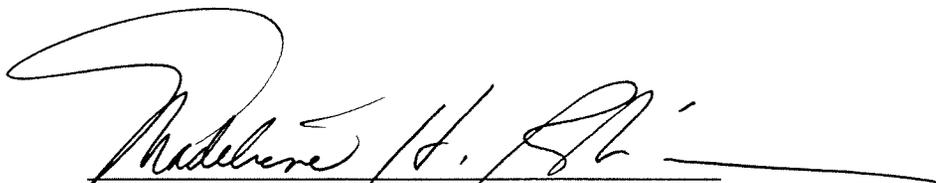
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 30 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Reverend James R. Peebles, Jr.
6637 Auburn Avenue
New Carrollton, Maryland 20784

Brenda T. Brooks
4409 Polk Street, N.E.
Washington, D.C. 20019

Bobby G. Henry, Jr.
3611 Scruggs Place
Hyattsville, Maryland 20785

Beverley R. Wheeler, Chairperson
Advisory Neighborhood Commission 1A
3511 14th Street, N.W.
2nd Floor
Washington, D.C. 20010


MADELIENE H. ROBINSON
Director

DATE: NOV 30 1993

15538Att/bhs