

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15789 of the True Pentacostal Church of Christ Inc., pursuant to 11 DCMR 3107.2, for a variance from the floor area ratio (FAR) limitation (Subsection 771.2) to allow a second story addition to a church in a C-1 District at premises 3311 12th Street, N.E. (Square 3930, Lot 43).

HEARING DATE: February 17, 1994
DECISION DATE: March 3, 1994

ORDER

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

2. The site is rectangular in shape with a frontage of 28.5 feet along 12th Street and a depth of 100 feet. The site is improved with a one-story plus basement brick structure which occupies 2,280 square feet (or 80 percent) of the 2,850 square-foot lot. The property has a rear yard that measures 20 feet in depth and 570 square feet in land area.

3. There is no alley access to the rear of the lot. There are four detached dwellings located to the north of the applicant's property in the C-1 District. South of the applicant's site, there are established businesses, an arts and office supplies business, a beauty salon and a cocktail lounge in the C-1 District. East and to the rear of the site, are the rear yards of single-family dwellings in an R-1-B District. The large three-story brick C&P Telephone building and parking lot are in the C-1 District across 12th Street to the west of the site.

4. The subject site is used by the applicant as a church. The maximum allowable floor area ratio (FAR) for a church in a C-1 District is 1.0. The existing church has a FAR of 0.8. The applicant proposes to construct a second story addition to the church, thereby increasing the FAR to 1.6. Therefore, the applicant is seeking a variance from the FAR limitation to increase the FAR by 0.8.

5. The applicant maintains that the requirements for variance relief have been met, however a number of issues were raised in the application.

CONTESTED ISSUES AND ARGUMENTS:

1. Is the property unique?

The applicant testified that the subject property is at least eight to ten feet narrower than other properties nearby. The other properties are also deeper than the subject lot. The applicant maintains that because the rear yard is only 20 feet deep and the lot is so narrow, there is nowhere to develop except upward.

The Sanborn Map entered into the record reveals that the church lot is somewhat narrower than other lots in the same square but that there are lots narrower than the subject lot in the surrounding area. The Office of Planning (OP) stated that the lot is not unique with regard to width but agreed with the applicant that some of the lots are deeper.

2. Do the current physical characteristics of the property deprive the owner of reasonable use of the property?

On February 10, 1988, the applicant was issued Certificate of Occupancy No. B147294 to operate the first floor as a "church 25 persons". The applicant testified that the congregation has grown to 55 persons and the sanctuary is large enough to accommodate the congregation for worship services. However, the church needs more space for administrative functions and to provide more services to meet the church's proper function.

The applicant stated that additional space is planned for a pastor's office, a church office, a conference room, offices for deacons and trustees, a multipurpose area for Sunday school, a nursery, and restrooms.

The applicant maintains that without this space, different groups have to use different parts of the sanctuary for meetings, choir rehearsal, etc. Currently, five ministers share one office, secretaries work out of their homes, there is nowhere to take babies during worship service and church supplies and records need a centralized storage location. The applicant maintains that the lack of adequate space limits the church's ability to efficiently minister to its congregants.

The applicant testified that the church is unable to expand because of the physical conditions of the property. The applicant stated that the church cannot enlarge the lot to the side or rear to increase the footprint of the building because there are other properties surrounding the site. Underground expansion is not possible because of the small size of the basement and because the basement is inaccessible except through the first floor level.

The applicant stated that the church inherited these problems when it purchased the property. They are not self-created or new problems.

The Office of Planning is of the opinion that there is no exceptional or unique situation or condition inherent in the property that would deprive the applicant of reasonable use of it, nor is the applicant faced with a practical difficulty which would justify the granting of the zoning relief requested. The Office of Planning testified that the applicant could extend the church to the rear because no rear yard is required for a church.

The neighbor in the residence immediately to the north of the site opposes the application. She and another opposing neighbor are leasing the property from the owners. She testified that she has been authorized by 25 neighbors to represent their interests in opposition to this application.

The opposing neighbor testified that the applicant has made reasonable use of the property as a church for six years and if it needs more space it can look for a suitable building elsewhere to meet its needs.

3. Whether the proposed addition would create traffic and parking problems for the area?

The Office of Planning stated that the applicant's use of the building will be more intense during the week if the addition is constructed. OP believes that this will exacerbate traffic and on-street parking conditions within the immediate neighborhood.

Responding to the Office of Planning, the applicant testified that the use will not be more intense, and therefore will not cause traffic and parking problems.

The applicant stated that while the use will increase in terms of days per week, it will not be more intense. In terms of increased use, the applicant stated that with the new addition, the property will be used by two secretaries two to three days per week for no more than four hours per day.

With regard to intensity of the use, the applicant stated that the church has a limited number of members in each choir, club, etc. There is no intention, for example, to expand the sanctuary to expand the choir stand and enlarge the choir, therefore the number of people currently in the choir will remain the same even if the church membership increases.

About 15 people are responsible for the main functions of the church. This group includes the pastor, ministers, deacons,

official board members and secretaries. If the church membership increases, the number of officials will not increase.

The applicant pointed out that it is only requesting space to enable members to efficiently carry out their responsibilities. Therefore, a larger number of people would not be assembled at times other than those currently established.

The applicant testified that the Board granted the church a variance from the off-street parking requirements in 1987 (BZA Application No. 14579). As indicated in the Board's Order, the church has permission to use 13 parking spaces at the Union Hall and 50 spaces at the All Saints High School. Parking stickers were issued to church members. While it was determined that parking is available on 12th Street, the church agreed to instruct its members not to park in front of residences or on side streets in the neighborhood. The applicant testified that area residents were asked to inform church officials when cars from the church are parked on the street. The applicant maintains that there is adequate parking for its membership during church service and since the use will not be any more intense during the week traffic and parking problems will not be created.

Opposing neighbors maintain that the use of the church will be more intense, causing parking problems in the area. They testified that while the Board's order indicated that the church attendees would not park in front of residences, they do park in front of residences on 12th Street, the 1200 block of Kearney Street and Lawrence Street. The church has doubled its membership since 1987 and has not demonstrated the ability to control the members' parking. The opponents stated that when they reported improperly parked cars to the church manager he stated that the church cannot report each incident to the congregation during service.

The opposing neighbors testified that parking conditions are really bad on Sundays and the additional use will make the problem worse throughout the week.

4. Whether there will be noise impacts associated with the construction of the addition?

The opposing neighbor who resides immediately adjacent to the church testified that noise from the construction of the addition will interfere with the quiet enjoyment of the neighbors' homes because many of them are home during the day.

The opposing neighbor also testified that she and her housemate will be impacted over the long term by noise from motorized equipment installed on the higher levels of the church structure. She stated that the equipment is currently placed on the roof of the first floor and it already disturbs the residents

in her house. If it is moved upward one floor, it will be level with the bedrooms and it will disturb their sleep every night.

The opposing neighbor stated that while she is currently leasing the house, she would like to purchase it. However, she feels that the applicant's proposal will devalue the house and she will not purchase it if the application is approved.

5. Whether the proposed addition and steeple will block light to neighboring properties?

The other opposing neighbor testified that the addition and steeple will block the sun that shines onto her lot and into her house. She submitted photographs into the record to demonstrate how light currently flows onto the property. She stated that the south wall of the house receives direct sunlight most of the day, and the house is bright and cheery because of light coming in through first and second floor windows on this side. She stated that she would be adversely affected by the reduction of sunlight because she is usually home one day during the week and on weekends.

The witness further stated that the proposed wall (to the addition) and steeple will block sunlight almost entirely from the front yard, and significantly from the back yard. This difference will be most noticeable in the winter when the sun is low in the sky.

The applicant stated that the erection of the proposed second floor addition and steeple will not permanently block the sunlight and air circulation of the tenant at 3315 12th Street which is next door to the church. Since this house and the church have an east/west orientation, the sunlight would only be partially blocked during this winter at certain times of the day because the sun is further south during this season. During the summer, when the sun is further north, therefore higher in the sky, the sunlight blockage would be minimal.

6. Whether the proposed addition will have an impact on air circulation or views from the site?

The adjacent neighbor stated that her house is not air conditioned and the addition's north wall will cut down on cross breezes needed for ventilation and cooling. Also during the construction period, she would have to keep the windows closed to keep out noise, airborne dust and dirt. The adjacent neighbor stated that the wall to the proposed addition will block her view of the neighborhood. Instead, residents of the house will have a view of a brick wall or possibly a church office. Neither alternative is as appealing as the sunny vista that currently exists.

Photographs were submitted into the record to show the views from the upper level of the residence and the proximity of the church to the residence.

The applicant maintains that air circulation would be affected at a minimum.

7. Whether the proximity of the church to the adjacent property will create a fire hazard?

The adjacent neighbor stated that the church's north wall is three feet away from the south wall of the residence and the properties are one foot away at the church's eaves. She maintains that the proximity of the church to her property will be hazardous in the event that a fire breaks out at the church.

By memorandum dated January 7, 1993, the D.C. Fire Department stated that it has evaluated the zoning request and based on its review, the Department has no objection to the request. However, the department stated that fire and life safety features required by city codes such as fire-alarms, sprinkler systems, standpipe systems, exits, fire-rated separations, fire extinguishers, etc., shall be determined during the plan review process as part of the building permit application review.

The applicant stated that the neighbor's fire hazard contention is without substance because the new structure would be all masonry and would not pose any more of a fire threat than that which presently exists.

8. Whether the proposed increase in floor area ratio (FAR) will make the structure inconsistent with the intent, purpose and integrity of the C-1 District?

The applicant stated that a church is a permitted use in a C-1 zone district. While the maximum permitted floor area ratio is 1.0, the proposed 63 percent increase (or 0.6 additional F.A.R.) represents a practical accommodation of the church's expanded administrative functions within a structure which does not at this time provide the full floor area ratio permitted. While the permitted floor area ratio is 1.0 the church currently uses only 0.8 (or 80 percent) of the permitted floor area ratio. To increase the floor area ratio by 0.2 is impractical in terms of the expense that would be involved for the minimal amount of space that would result. A viable church which serves its congregation and the community, at a height permitted by the zone district and wholly within the footprint of an existing structure, will not impair the intent, purpose or integrity of the zone plan. Such a use is determined to be compatible with this zone district, and an increase in the space to accommodate its normal functions does not undermine the zone plan.

The Office of Planning (OP) testified that the proposed 1.6 FAR is more appropriate in a C-2-B District, not a C-1 District which anticipates very low density commercial development. Therefore, OP believes that proposed addition would far exceed the allowable FAR and would impair the intent, purpose and integrity for the C-1 zone plan.

FINDINGS OF FACT:

Based on the foregoing evidence of record, the Board finds that:

1. The subject lot is similar to other lots in the area in terms of width and depth.

2. The applicant has been able to make reasonable use of the property since occupying the site in 1988. The physical characteristics of the property have not changed to make use of the site less feasible. The congregation has grown.

3. The Board makes no findings on the factual issues related to adverse impacts.

4. A floor area ratio of 1.6 for the church would be incompatible with the C-1 zone plan.

CONCLUSION OF LAW AND OPINION:

Based on the foregoing evidence of record, the Board concludes that the applicant is seeking an area variance to allow an addition to a church in a C-1 District. Granting such a variance 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 application will not be of substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has not met this burden of proof. The Board is of the opinion that there does not exist a unique condition related to the property which creates a practical difficulty for the owner in making reasonable use of the property.

The Board further concludes that the proposed increase in floor area ratio would be excessive for the C-1 District and would impair the intent, purpose and integrity of the zone plan for that district.

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In light of the foregoing, it is hereby ORDERED that the application is DENIED.

VOTE: 3-0 (John G. Parsons, Sheri M. Pruitt and Paula L. Jewell to deny; Carrie L. Thornhill and Angel F. Clarens 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: AUG 24 1994

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."

15789Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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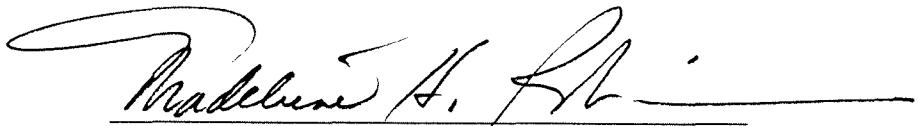
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 24 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Henry L. Lindsay
4536 5th Street, N.W.
Washington, D.C. 20011

Otis Daniel
4033 34th Street
Mt. Ranier, Maryland 20712

Linda Anguiano
Liane Rozzell
3315 12th Street, N.E.
Washington, D.C. 20017

Raymond Dickey, Sr., Chairperson
Advisory Neighborhood Commission 5A
Slowe School Demountable
14th & Irving Streets, N.E.
Washington, D.C. 20017


MADELIENE H. ROBINSON
Director

DATE: AUG 24 1994

15789Att/bhs