

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15791 of the Saint Mary AME Zion Church, pursuant to 11 DCMR 3107.2, for a variance from the maximum allowable percentage of lot occupancy requirements (Subsection 403.2) and a variance from the off-street parking requirements (Subsection 2101.1) for an addition to a church in an R-4 District at premises 1339 C Street, N.E. (Square 1033, Lot 147).

HEARING DATE: February 17, 1993  
DECISION DATE: April 7, 1994

ORDER

The property which is the subject of this application is known as 1339 C Street, N.E. It is located on the northeastern corner of the intersection of C and Warren Streets N.E.

The subject site is rectangular in shape and consists of 1,554 square feet in land area. The lot is approximately 23 feet wide and 67.5 feet deep.

The site is developed with a one-story, two-bedroom, rowhouse-type structure that occupies 41.3 percent of the lot. The lot contains a rear yard that measures 26 feet 5 inches. The rear yard is accessible from a nine-foot public alley which abuts the rear of the site.

The applicant purchased the property in 1990 and has used the structure as a church since that time. The church's congregation has grown from 13 to 36 over the one and a half-year period of time. The applicant now proposes to make interior alterations to the structure so that a congregation of 99 individuals can be accommodated.

The Office of Planning (OP) submitted a report dated February 9, 1993, recommending denial of the application. The reasons for the recommendation will be discussed under the issues and arguments section below.

Advisory Neighborhood Commission (ANC) 6B did not submit a written report related to the application.

THE LOT OCCUPANCY VARIANCE

Contested Issues and Arguments:

The applicant is requesting a variance from the maximum allowable lot occupancy requirements to allow the alterations. The structure occupies 41.3 percent of the lot. The maximum

allowable lot occupancy in an R-4 District is 40 percent. Therefore a lot occupancy variance of 1.3 percent is needed.

The issues and arguments related to lot occupancy are as follows:

1. Whether the property is unique or exceptional?

The applicant stated that the property consists of two "railroad flats" joined together for use as one structure. The previous use of the site was as a private residence.

The applicant testified that there are approximately twelve other railroad flats of the same design on the block. Additionally, there are approximately six, two-story rowhouses on the block between Warren and 14th Streets.

The Office of Planning stated that the area surrounding the site is primarily residential and is developed with rowhouses interspersed with apartments and churches. The block in which the subject site is located is developed with a solid row of one and two-story rowhouses. A barber shop is located within a rowhouse on the corner of 14th and C Streets.

The Sanborn map submitted by the Office of Planning provided the Board with evidence of the size and shape of the lot in question as compared with nearby lots.

2. Whether the applicant is being deprived of reasonable use of the property?

The applicant maintains that the alterations are needed to make room for a growing congregation. The applicant testified that this is only a temporary solution and that when the membership is large enough, the church will move to a larger site. However, about 20 persons attend church service at the present time.

The Office of Planning stated that the structure has been used as a church since August 1990 and the rooms in the structure are currently being used for church-related meetings.

3. What impact will the variance have on the area?

The applicant testified that some of the interior walls will be removed and alterations will be done to create seating space for 99 persons. Also, the existing flat roof will be replaced with a new sloping roof. However, there are no plans to increase the foot print of the building. Therefore, the applicant believes that the alterations will have no adverse impact on the community.

OP believes that if the variance is granted and the alterations are allowed, the congregation will increase. This will increase the volume of traffic in the area, creating an adverse impact on the surrounding community.

One letter was submitted into the record from the resident of 1378 C Street, N.E. This neighbor expressed opposition to the application on the grounds that parking is not available to area residents on most Sundays and many weeknights because of church activities. She believes that establishing another church - whether large or small - will exacerbate the parking problems in the area.

**Findings of Fact:**

Based on the evidence of record, the Board makes the following factual findings:

1. The subject property is similar in size, shape and topography to other lots in the area and is therefore not unique.
2. The applicant has been able to use the property as a church with a growing congregation since 1990.
3. The structural changes proposed by the applicant would have no harmful effect on the public or on the zone plan since the footprint of the building would remain the same.

**THE PARKING VARIANCE**

**Contested Issues and Arguments:**

The Zoning Regulations require that for every ten seats, a church must provide one off-street parking space. The applicant is required to provide a total of ten off-site spaces for use by the members of its congregation. The applicant stated that two spaces can be provided at the rear of the site. Thus, a variance is needed for the remaining eight spaces.

The issues and arguments related to the parking variance are as follows:

1. Whether the subject site is unique or exceptional?

The applicant did not submit evidence on how the subject property differs from others in the area. The applicant only maintains that the lot is not large enough to accommodate ten cars.

2. Does the size of the lot make it difficult for the owner to comply with the Zoning Regulations?

The applicant testified that the rear yard can accommodate only two parking spaces. These spaces will be accessible from the public alley that abuts the site. Because there is inadequate space on the lot, the ten parking spaces cannot be accommodated as required by the Zoning Regulations.

3. What impact would result from waiving the off-street parking requirements for the applicant?

The applicant testified that there are seven churches in the area and parking is difficult on Sundays. However, the applicant stated that the church has not received any complaints about parking.

The secretary of the church's trustee board testified that while there are other churches in the area, she has always been able to find a parking space, as have the members of other churches.

In an effort to arrange for off-street parking, the applicant stated that it considered using the lot located behind the subject site. However, Advisory Neighborhood Commission (ANC) 6B objected because the area residents have improved this lot with landscaping and it is used by the community as a park.

The applicant testified that there are no schools or other public facilities nearby with a lot that can be used for parking.

The Office of Planning is of the opinion that the proposed church would impact the surrounding area adversely because of the increased volume of traffic and the lack of available on-site parking. Consequently, OP believes that the proposed use would impair the intent, purpose and integrity of the zone plan for the city.

By memorandum dated January 19, 1993, the Department of Housing and Community Development (DHCD) stated that it does not support the applicant's requests for relief. DHCD stated that its position is based upon the significant traffic congestion created during church-related activities and the impact on the neighborhoods because of the church's inability to provide the required off-street parking. The congestion caused by the church traffic is further compounded by the narrow streets on Capitol Hill. To address this problem, DHCD recommends that the applicant either scale back its proposal to reduce the parking requirement or investigate the possibility of leasing the adjacent vacant lot to accommodate the church's current and future parking needs.

Findings of Fact:

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

1. The subject site is not unique.
2. The lot is not large enough to accommodate adequate parking.
3. To allow the proposed increase in seating accommodations without requiring the applicant to provide parking will greatly increase the demand for parking in an area already over burdened with the need for parking spaces on Sundays.

CONCLUSIONS OF LAW AND OPINION

Based on the evidence of record, the Board concludes that the applicant is seeking area variances to increase the interior space for a church located in an R-4 District.

Granting of such variances 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 condition. The Board further must find that granting 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. With regard to the lot occupancy variance, the Board concludes that there does not exist a unique or exceptional condition that creates a practical difficulty for the owner in making reasonable use of the property. The church property can continue to be used for the number of members that it currently accommodates.

With regard to the parking variance, the Board concludes that while the lot is not large enough to accommodate adequate parking, the size of the lot is not unique for the area.

The Board further concludes that to allow for the increase in space without requiring off-site parking will be of substantial detriment to the public good.

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

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VOTE: 4-0 (John G. Parsons and Angel F. Clarens to deny;  
Sheri M. Pruitt and Carrie L. Thornhill to deny by  
proxy; Paula L. Jewell 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 25 1994

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS  
WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR  
CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER  
AND REGULATORY AFFAIRS.

ord15791/TRW/LJP

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 25 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:

Reverend William E. Logan  
1339 C Street, N.E.  
Washington, D.C. 20002

Jamie Platt, Chairperson  
Advisory Neighborhood Commission 6-B  
921 Pennsylvania Avenue, S.E., #108  
Washington, D.C. 20003

A large, stylized handwritten signature in black ink, which appears to read "Madeliene H. Robinson".

MADELIENE H. ROBINSON  
Director

DATE: AUG 25 1994