

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15796 of the Church of the Living God, pursuant to 11 DCMR 3108.1, for a special exception under Section 216, to establish church programs on part of the first floor and all of the second floor in an R-5-A District at premises 2478 Alabama Avenue, S.E. (Square 5844, Lot 818).

HEARING DATE: March 10, 1993
DECISION DATE: March 10, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANCs) 8B and 8A, and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8B, and in proximity to ANC 8A. ANC 8B, which is automatically a party to the application, did not submit a written statement of issues and concerns related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 216. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting this application will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **THREE YEARS**.
2. The church programs shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.

3. The church programs conducted on the property shall be carried on within the existing church building.
4. The staff conducting the programs shall be composed of persons, at least 75 percent of whom volunteer their time and services.
5. The hours of operation shall be Monday through Friday, from 9:30 a.m. to 6:30 p.m. with 24-hour emergency service. Sunday hours shall be between 12:30 p.m. and 5:00 p.m. for emergencies and appointments only.
6. The type of signage currently used containing the name of the church and its activities shall be allowed to remain. The applicant shall not locate on the building or the grounds a separate sign or display advertising the church programs.
7. The applicant shall maintain five parking spaces on the site.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Angel F. Clarens to grant; Sheri M. Pruitt and Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:



MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

APR 2 1993

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PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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."

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 AND REGULATORY AFFAIRS.

15796Order/bhs

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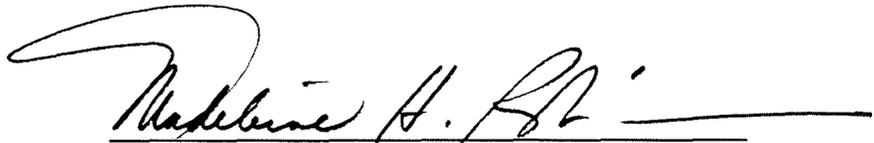
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 2 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Dorothy Stanton
329 Raleigh Street, S.E.
Washington, D.C. 20032

Bishop Charles Hood
443 LeBaum Street, S.E.
Washington, D.C. 20032

Richard Hill, Chairperson
Advisory Neighborhood Commission 8B
2027 Alabama Avenue, S.E.
Washington, D.C. 20020


MADELIENE H. ROBINSON
Director

DATE: APR 2 1993

15796Att/bhs