

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15970 of New Second Baptist Church, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 214 to establish accessory parking spaces, a variance to allow parking spaces to be located in the rear between a building line and a lot line abutting a street (Subsection 2116.4) and a variance to allow accessory parking spaces that are not contiguous to or separated only by a street or alley from the use to which they are accessory (Subsection 214.4) for an accessory parking lot to a church (7205 George Avenue, N.W.) in an R-5-B District at premises 7201 Georgia Avenue, N.W. (Square 2964, Lot 12)

HEARING DATE: July 20, 1994  
DECISION DATE: July 20, 1994 (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 Commission (ANC) 4B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 4B. ANC 4B, which is automatically a party to this application, submitted a written statement of issues and concerns in support of 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 214 and a variance from the strict application of the requirements of 11 DCMR 2116.4. No person or entity appeared at the public hearing in opposition to this 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, 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 concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107 that there exists an exceptional or extraordinary situation or condition related to the property which creates a

practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purposes, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that this application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS.
2. 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.
3. The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line;
4. 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;
5. The only vehicular entrance or exit shall be from Elder Street and shall not be within forty feet (40') of a street intersection as measured from the intersection of the curb lines extended; and
6. Lighting shall be provided for security purposes. Such lighting used to illuminate the 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;
7. 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. The periphery of the parking lot (along Georgia Avenue, Elder Street, and the public alley) shall be landscaped with an evergreen planting material that is planted at a minimum of 36 inches on-center and is a minimum of 30 inches in height when planted. This landscaping shall be maintained in good growing condition at a height up to 36 inches when mature.

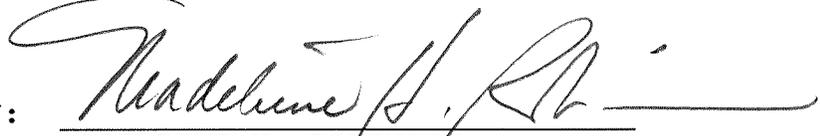
8. The parking spaces located on the north side of the lot shall be designated as "compact spaces" and shall measure 8' by 16' in size.
9. The applicant shall retain the existing wrought iron fence along its north property line and shall maintain such fence in good condition.

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: 5-0 (Maybelle Taylor Bennett, Laura M. Richards, George Evans, Craig Ellis and Angel F. Clarens to grant).

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

ATTESTED BY:



MADELIENE H. ROBINSON  
Director

AUG 2 1994

FINAL DATE OF ORDER: \_\_\_\_\_

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.

15970Ord/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

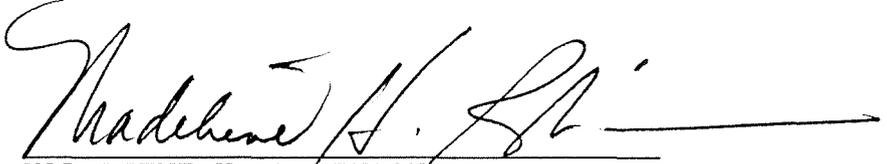


BZA APPLICATION NO. 15970

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 2 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 Eugene M. Pearson  
3912 Minden Road  
Wheaton, Maryland 20906

Vannie Taylor, III, Chairperson  
Advisory Neighborhood Commission 4B  
6856 Eastern Avenue, N.W., #350  
Washington, D.C. 20012

  
MADELIENE H. ROBINSON  
Director

DATE: AUG 2 1994

15970Att/bhs