

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16024 of Antioch Baptist Church, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 214 to establish accessory parking for a church (1105 50th Street, N.E.) to be located elsewhere than on the same lot where the church is located and a variance (Subsection 214.4) to allow accessory parking not contiguous to or separated by an alley from the use to which it is accessory in an R-2 District at premises 5018 Lee Street, N.E. (Square 5174, Lots 10 and 11).

HEARING DATES: January 18 and March 8, 1995
DECISION DATE: March 8, 1995 (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) 7C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7C. ANC 7C, which is automatically a party to the application did not file a written statement of issues and concerns in 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 variance from the strict application of the requirements of 11 DCMR 214.4 and a special exception pursuant to 11 DCMR 214. 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 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, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. 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 the requested relief 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. The number of parking spaces shall not exceed 20. The parking lot shall be developed as shown on Exhibit Nos. 2 and 3 of the record and in accordance with 11 DCMR 2303.
2. The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.
3. Any lighting used to illuminate the parking lot shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.
4. The parking lot shall be kept free of refuse and debris at all times.
5. Landscaping shall be provided in accordance with Exhibit No. 30 of the record. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance at all times.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 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 (Laura M. Richards, Susan Morgan Hinton and Craig Ellis to grant; Angel F. Clarens and Maybelle Taylor Bennett not present, 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: _____

MAR 24 1995

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

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BZA APPLICATION NO. 16024

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 24 1995 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:

Dwayne Price
6448 Bock Road
Oxon Hill, Maryland 20745

Antioch Baptist Church
1107 50th Street, N.E.
Washington, D.C. 20019

Dorothy Douglas, Chairperson
Advisory Neighborhood Commission 7C
4651 Nannie Helen Burroughs Avenue, N.E.
Washington, D.C. 20019

A handwritten signature in cursive script, reading "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON
Director

DATE: MAR 24 1995