

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16065 of Temple Missionary Baptist Church, pursuant to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Subsection 2101.1) for a church - 100 seats in a C-2-A District at premises 3105 Martin Luther King Jr., Avenue, S.E. (Square 5989, Lot 803).

HEARING DATE: July 26, 1995  
DECISION DATE: July 26, 1995 (Bench Decision)

ORDER

SUMMARY OF EVIDENCE:

1. The subject property is located at 3105 Martin Luther King, Jr., Avenue, S.E., at the intersection of Raleigh Street and Martin Luther King, Jr., Avenue, S.E. The site is zoned C-2-A. A church is allowed as a matter of right.

2. The site is trapezoidal in shape and contains approximately 4,333 square feet of land area. It is improved with a one-story building. The rear of the site abuts an alley that provides access to Ester Place to the southwest, and access to Raleigh Street. The building was originally constructed in 1930. It was used as a fish market until the Temple Missionary Baptist Church purchased it in 1974 and reconfigured the interior for church services.

3. The site was developed prior to the enactment of the 1958 Zoning Regulations. The building occupies approximately 100 percent of the lot's buildable area. The applicant cannot expand the site to provide for the required parking because there is no available space.

4. The uses surrounding the site to the east include offices of the Washington Gas Company. To the north are semi-detached, single-family dwellings, and apartments. To the northeast are a mixture of commercial uses fronting on Martin Luther King, Jr. Avenue. The adjacent lots to the east and west are developed.

5. The subject property is used by the Temple Missionary Baptist Church. It has a seating capacity for 100 persons.

The church has been the sole owner and occupant of the existing building for over 20 years.

6. The church currently does not have on-site parking. The Zoning Regulations require a minimum of 10 parking spaces for a sanctuary seating 100 persons.

7. The church's programs take place on Sundays beginning at 9:30 a.m., Tuesdays from 7:30 p.m. to 9:00 p.m., Wednesdays from 7:00 p.m. to 8:30 p.m., Fridays from 6:00 p.m. to 8:00 p.m., and Saturdays from 12:00 p.m. to 2:00 p.m. There are other special services at least once a month.

8. The Temple Missionary Church currently has 50 members. The applicant anticipates that the church's congregation will grow in membership over a period of five years and would then be able to use the full seating capacity of 100 persons. In the immediate future, the seating capacity of the church would remain under 100. A majority of the church members live in the surrounding community. They use either public transportation or walk to the church.

9. At the time the building was converted to a church, the required certificate of occupancy (C of O) had not been obtained. If the applicant had applied for a C of O in the 1970's, it would have been granted because the Zoning Regulations did not require parking for churches.

10. The District of Columbia Office of Planning (OP), by report dated July 19, 1995, and by testimony presented at the public hearing, recommended that the application be approved, with conditions relating to the limitation of seating capacity and trash removal.

11. The Advisory Neighborhood Commission 8C, at their regularly scheduled public meeting held on June 7, 1995, voted to support the application.

12. The application was referred by the Office of Planning to the Department of Public Works, the D.C. Fire Department, and the District of Columbia Police Department, no responses were received.

13. One letter in opposition was received on July 17, 1995. Opponents who live on Raleigh Street objected to the application because of expected adverse parking impacts on their neighborhood.

14. No person appeared at the hearing in opposition to or support of the application.

FINDINGS OF FACT:

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

1. The site was developed prior to the enactment of the 1958 Zoning Regulations.

2. The building occupies approximately 100 percent of the lot's buildable area.

3. Advisory Neighborhood Commission 8C supported the application.

4. The subject site is located in an area exceptionally well-served by public transportation.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a variance from the off-street parking requirements for a church with 100 seats.

The granting of a variance requires evidence of a practical difficulty upon the owner arising out of some extraordinary or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical condition. The Board further must find that the requested relief can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that because the existing structure occupies virtually the entire lot, there is inadequate space for the owners in complying with the requirements of the Zoning Regulations.

It is the opinion of the Board that to grant the requested relief will not be of substantial detriment to the public good. The Board further concludes that granting the variance will not substantially impair the intent, purpose and integrity of the zone plan.

It is therefore ORDERED that the application is GRANTED, based on the church seating no more than 100 persons.

VOTE: 5-0 (Laura M. Richards, Susan Morgan Hinton, Angel F. Clarens, Jerrily R. Kress, and Craig Ellis to grant).

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

ATTESTED BY:



MADELIENE H. DOBBINS  
Director

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

SEP 20 1996

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.

16065.ORD/BJW/bjw

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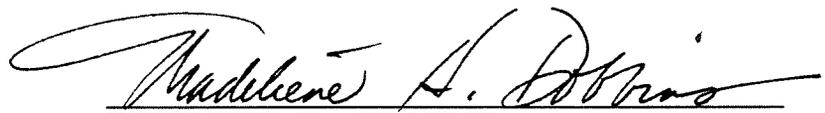


BZA APPLICATION NO. 16065

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 20 1996 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:

Pastor Joseph K. Williams, I  
3105 Martin Luther King, Jr. Ave., S.E.  
Washington, D.C. 20032

Mary Cuthbert, Chairperson  
Advisory Neighborhood Commission 8C  
3125 Martin Luther King, Jr. Ave., S.E.  
Washington, D.C. 20032

  
MADELIENE H. DOBBINS  
Director

DATE: SEP 20 1996