

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18599 of Trinity AME Zion Church, pursuant to 11 DCMR § 3104.1, for a special exception to allow a parking lot (last approved under BZA Order No. 16298) under § 213 in the R-5-B District at premises 1417, 1493, and 1507 Meridian Place, N.W. (Square 2684, Lots 556, 557, and 558).

HEARING DATES: July 30, 2013 and October 8, 2013
DECISION DATE: December 3, 2013

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A submitted a written report and resolution, in support of the application, with conditions¹, which indicated that at a duly noticed, regularly scheduled monthly meeting of the ANC on July 10, 2013, at which a quorum of 12 Commissioners was present, the ANC voted 7:5:0 to conditionally support the application and adopt the resolution. (Exhibit 26.) The Office of Planning ("OP") submitted a timely report in conditioned support of the application. (Exhibit 27.) The District Department of Transportation ("DDOT") also submitted a report raising no objection to the approval of the requested special exception. (Exhibit 25.)

A letter from the Chair, ANC 1A containing comments, letters, and emails received by the single member district member 1A02 with regard to the application from the community after a community meeting held on July 20, 2013. Most of the comments are in support of the application. (Exhibit 28.)

¹ The resolution the ANC passed was in support of the Church's request, but only for seven years instead of the 15 years the Church requested. The Board ultimately approved a term of five years. Also, the ANC's conditioned approval contained 10 new conditions in addition to the conditions in the previous order (No. 16298).

BZA APPLICATION NO. 18599
PAGE NO. 2

A letter in opposition from seven residents of Center and Meridian Streets, N.W. was submitted to the record. (Exhibit 30.) Also, Sherrill Berger, 3510 Center Street, N.W., testified in opposition to the application. (Exhibit 29.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for a special exception under § 213. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, 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 properties in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, 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.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS²**:

1. Approval shall be for a period of **FIVE (5) YEARS** from the effective date of this order.
2. The Applicant shall not operate the parking lot as to cause dangerous or otherwise objectionable traffic conditions or in a manner that will have a substantial adverse impact on the community.
3. The Applicant shall allow the reasonable, convenient use of the parking lot for the immediate community.
4. The Applicant shall pave and maintain all driveways, access lanes, and parking areas with bituminous concrete, brick, or permeable pavers, or a combination of these materials, of a minimum of four inches.
5. The Applicant shall not allow any part of a vehicle to project over any lot line or building line.
6. The parking lot shall only be used as permitted by law, including the addition of any structure on the lot. No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended.

² The Applicant also entered into a separate agreement with the community, which was represented by the single member district ANC Commissioner 1A02. That agreement is premised on the creation of a community advisory board known as the Trinity Neighborhood Advisory Board or TNAB. The Applicant shared the agreement with the Board. (Exhibit 34.)

BZA APPLICATION NO. 18599
PAGE NO. 3

7. Any lighting used to illuminate the accessory parking spaces shall be arranged so that all direct rays are confined to the surface of the lots.
8. The parking lots shall be kept free of refuse and debris.
9. The parking lots shall be landscaped with trees and shrubs covering a minimum of live percent (5%) of the total area of the parking lots. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
10. The parking lots shall be screened from all contiguous residential property by a solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted.
11. The dimensions of the parking spaces shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length. Parking spaces and drive aisles shall be clearly demarcated.
12. There shall be signs requesting the community's cooperation in maintaining the lot free of debris, etc.
13. A prominently displayed community bulletin board shall be installed in the vicinity of Lots 556, 557, and 558 that would announce activities sponsored by the church and the community as well as stipulations regarding use of the lots.
14. Trinity AME Zion Church shall provide designated parking to members in the community as designated by the Trinity Neighborhood Advisory Board ("TNAB").

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle³, and Anthony J. Hood to APPROVE; one Board seat vacant.)

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

A majority of the Board members approved the issuance of this summary order.

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 13, 2013

³ Board Member Hinkle noted that while he had not been present on October 8, he had read the record and was ready and able to deliberate on the case.

BZA APPLICATION NO. 18599
PAGE NO. 4

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.