

PUBLIC HEARING--Sept. 22, 1965

Appeal #8353 Zion Baptist Church, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

ORDERED:

That the appeal for a variance from the side yard requirements of the R-1-B District to permit erection of a church building at 1234 Kenilworth Avenue, N.E., lot 813, square 5121, be granted for the following reasons:

(1) From the records and the evidence adduced at the hearing, the Board finds that appellant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations for the following reasons:

(a) Appellant states that in 1965 a building permit was granted to erect this church as now proposed; that construction was started and excavation completed and foundations were put in and that thereafter they were advised that they were in violation of the zoning regulations.

(b) Appellant states that it would be a financial hardship to take up the foundations. The building was approved with a five foot side yard on the north alley side of the property whereas a minimum of eight feet is required.

(c) Appellant further stated that had this been known they could have easily moved the building to the south to provide the proper side yard as there is ample land available.

(2) There was a petition filed in opposition on the grounds that to permit this waiver would limit accessibility to off-street parking in the yards of the houses at 4401, 4403 and 4417 Nash Street. The Board finds that this contention is not substantiated by the facts as only twenty feet of building is within five feet of the alley line, which is sixteen feet wide. Therefore, in our opinion this building will have no affect whatsoever on ingress and egress from the alley.

(3) In view of the above it is the opinion of the Board that a denial of this request would result in peculiar and exceptional practical difficulties to and exceptional and undue hardship upon the owner. We are further of the opinion that this 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 maps.