

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17454 of Brookland Union Baptist Church, pursuant to 11 DCMR § 3104.1, for a special exception under 2116.5 to permit 24 accessory parking spaces to be located elsewhere than on the lot of the principal use (a church) being served, a special exception under section 214 to establish an accessory parking lot with 24 spaces at premises 1419 Jackson Street, N.E. (Square 4015, Lot 30), and a variance from subsection 214.3 to allow the accessory parking spaces to be located more than 200 feet away from the principal church use, all in the R-1-B zone district.

HEARING DATE: April 18, 2006
DECISION DATE: April 18, 2006 (Bench Decision)

DECISION AND ORDER

This application was submitted October 31, 2005 by Brookland Union Baptist Church (“Applicant”), the owner of the properties that are the subject of the application. The application requests special exception relief to locate 24 accessory parking spaces at a location other than the lot on which the principal church use is located and to establish an accessory parking lot use at that different location, namely 1419 Jackson Street, N.E. It also requests variance relief because the proposed accessory parking lot is not located within 200 feet of Lot 30, as is required in the R-1-B zone district. The Office of the Zoning Administrator advised the applicant of the need for such relief by memorandum dated October 3, 2005.

At the conclusion of a public hearing on April 18, 2006, the Board voted 5-0-0 to deny the application.

PRELIMINARY MATTERS:

Notice of Application and Notice of Hearing. By memorandum dated November 1, 2005, the Office of Zoning provided notice of the application to the Office of Planning, the District Department of Transportation, the Councilmember for Ward 5, Advisory Neighborhood Commission (“ANC”) 5A, and Single Member District/ANC 5A07. Pursuant to 11 DCMR § 3113.13, on January 24, 2006 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, the Councilmember for

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BZA APPLICATION NO. 17454
PAGE NO.

Ward 5, ANC 5A, Single Member District/ANC 5A07, and owners of property within 200 feet of the subject property. Notice was also published in the D.C. Register on February 3, 2006 (53 DCR 660).

Party Status. In addition to the Applicant, ANC 5A was automatically a party in this proceeding. The Board granted a request for party status in opposition to the application submitted by Concerned Neighbors of Brookland Union Baptist Church, a group comprising residents living near the subject property, represented by Jammie McKay.

Applicant's Case. The Applicant testified that the parking lot was needed in light of an increase in church membership. According to the Applicant, the parking lot would be landscaped, and a rain garden would be installed to help mitigate concerns about storm water runoff.

Government Reports. By memorandum dated April 11, 2006, the Office of Planning ("OP") declined to recommend approval of the application, in part because the Applicant had failed to show how the parking lot would comply with the requirements of § 214 or how potential adverse impacts on the use of neighboring property would be addressed. OP reiterated concerns raised by the District Department of Transportation with respect to the location of the entrance to and exit from the parking lot, potential vehicle/pedestrian conflicts in the alley, the provision of handicap access that would accommodate the change in grade between the parking lot and the church building, and the need for measures to mitigate the impacts of storm water runoff.¹

ANC Report. At a duly noticed meeting on February 22, 2006, with a quorum present, Advisory Neighborhood Commission 5A approved a resolution recommending denial of the application, by a vote of 12-0-0.² According to the ANC, "the application fails to meet the requirements of 11 D.C.M.R. §§ 214.1 *et seq.*"

Party in Opposition to the Application. The Concerned Neighbors of the Brookland Union Baptist Church testified in opposition to the application, citing adverse impacts related to noise, safety, and environmental concerns attendant to the proposed parking lot use, as well as concerns that the appearance of the parking lot detracted from the surrounding low-density residential neighborhood and that traffic congestion was caused by vehicles waiting to enter or exit the parking lot.

¹The District Department of Transportation's comments were made by memorandum dated December 23, 2004 in which DDOT declined to support a prior application by the Applicant for a special exception to establish a parking lot at the same property (BZA Application No. 17261). That application was withdrawn on March 8, 2005. According to OP, the DDOT comments remained germane to this proceeding because the Applicant had not submitted any additional information to address DDOT's concerns.

² ANC 5A's resolution in opposition to the application cited (but did not repeat) the reasons set forth in its December 2004 report submitted in opposition to Application No. 17261.

Persons in Opposition to the Application. The Board received several letters in opposition to the application. The letters cited adverse impacts related to the use of the subject property as a parking lot, including poor drainage and detriment to the residential character of the neighborhood.

FINDINGS OF FACT

The Property and the Surrounding Area

1. The Applicant's church building is located at the corner of 14th and Irving Streets, Southwest and is zoned R-1-B.
2. The Applicant seeks to locate 24 accessory parking spaces on a lot located at 1419 Jackson Street, N.E., on the south side of Jackson Street between 14th and 15th Streets, N.E. (Square 4015, Lot 30) and therefore, requests approval of the establishment of an accessory parking lot at that location to serve the nearby church property (the "Accessory Parking Property").
3. The Accessory Parking Property is also zoned R-1-B and is located on a rectangular lot bounded by a public alley to the west and south, a lot containing a single-family detached dwelling on the east, and Jackson Street on the north. The alley is 15 feet wide, and is accessible from Jackson and 15th Streets.
4. Properties in the vicinity of the Accessory Parking Property are predominately single-family detached dwellings,

Background

5. In October 2004, the Applicant submitted BZA Application No. 17261, similar to this application, in order to use the property as an accessory parking lot. In that case, the Applicant failed to provide sufficient information to meet the requirements of the regulations. The Board allowed the Applicant to withdraw its application and to return to the Board once it had addressed the requirements.
6. At the time of the hearing, the property was being used as a parking lot, although the necessary zoning relief had not been obtained prior to the establishment of the use. A six-foot chain link fence had been installed around the perimeter of the property. The lot had been paved and wooden wheel stops were installed along the eastern edge. Individual parking spaces were not marked on the lot. No lighting had been installed. The lot had not been landscaped, with the exception of the installation of some concrete planters containing shrubbery.

Compliance with Regulatory Requirements

7. Pursuant to 11 DCMR § 2116.1 all parking spaces must be located on the same lot as the principal being served, unless a special exception is granted pursuant to § 2116.5
8. An accessory parking lot is permitted by special exception in an R-1 zone, provided that the parking spaces are located within 200 feet of the area to which they are accessory 11 DCMR §§ 214.1 & 214.3.
9. The Accessory Parking Property is not entirely within 200 feet of the principal use; part of it is approximately 250 feet from the church property.
10. The Applicant failed to demonstrate that the accessory parking spaces will be located so as not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions, as required for special exception relief pursuant to 11 DCMR §3104.
11. The Applicant failed to demonstrate that the accessory parking lot will comply with all provisions of chapter 23 of the Zoning Regulations, pertaining especially to the paving, design, and maintenance of the parking area, other uses planned for the parking lot, the locations of vehicular entrances and exits, lighting, landscaping, and screening from contiguous residential property.
12. The Applicant failed to indicate any extraordinary or exceptional situation or condition of the Accessory Parking Property or practical difficulties to the Applicant as owner of the Accessory Parking Property that would prevent strict compliance with the 200 foot limitation.
13. The Board credits the testimony of the Concerned Neighbors of the Brookland Union Baptist Church that the proposed use will add significant noise and traffic and will result in unacceptable safety risks
14. The Board credits the DDOT report (attached to the OP report) that design of the Accessory Parking Property does not satisfy the design criteria set forth in the Zoning Regulations (See, in particular, §§2117.11 and 2117).
15. Based on the DDOT report and the photographs submitted by the Concerned Neighbors of the Brookland Union Baptist Church, the Board finds that the appearance of the parking lot will detract from the character of the surrounding low-density residential neighborhood.

Harmony with Zone Plan

16. The subject property is zoned R-1-B. The R-1 district is “designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.” Zoning regulations applicable in the R-1 zone “are intended to stabilize the residential areas and to promote a suitable environment for family life.” See 11 DCMR §§ 200.1, 200.2.
17. Based on the evidence put forth by the opposition, DDOT, OP and the ANC, and the lack of evidence in the record to the contrary, as set forth above, the Board finds that the requested special exception and variance relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.

CONCLUSIONS OF LAW

The Applicant seeks a special exception pursuant to § 2116.5 to locate accessory parking spaces on a different lot than its principal use and a special exception under § 214 to establish an accessory parking lot on which those accessory parking spaces would be located.

The Board is authorized under § 8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2), to grant special exceptions where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, 11 DCMR § 3104.1. In addition, § 214 requires that the accessory parking spaces must be located so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions. 11 DCMR § 214.7.

The applicant failed to make this showing and indeed the reports of the affected ANC and DDOT as well as the testimony presented by Concerned Neighbors of the Brookland Union Baptist Church demonstrate that the proposed use will cause adverse impacts from noise and traffic and will detract from the residential character of the neighborhood.

Because the location of the accessory parking spaces are not located entirely within 200 feet of the principal use that the parking lot would serve, a variance from § 214.3 is also requested. The Board is authorized to grant a variance from the strict application of the zoning regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to

BZA APPLICATION NO. 17454
PAGE NO.

or exceptional and undue hardship upon the owner of the property, provided that 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. D.C. Official Code § 6-641.07(g)(3) (2001); 11 DCMR § 3103.2.

The Applicant has made none of these showings.

Accordingly, it is therefore **ORDERED** that the application is **DENIED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr.,
John A. Mann II and Gregory N. Jeffries to deny the application).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

Each concurring Board member approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: **JAN 26 2007**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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BZA APPLICATION NO. 17454

As Director of the Office of Zoning, I hereby certify and attest that on **JANUARY 26, 2007**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

C.J. Malloy, Jr., Pastor
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Chairperson
Advisory Neighborhood Commission 5A
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Single Member District Commissioner 5A07
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ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning 

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