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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
✓ Joel Lawson, Associate Director Development Review
DATE: September 4, 2012
SUBJECT: BZA Case 18391, 2811 14th Street, NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot support** the following variance relief requests:

- § 403.2 Lot Occupancy (60% maximum permitted, 72.5% proposed); and
- § 404.1 Rear Yard (25 feet required, 8 feet proposed).

OP notes that the existing lot is also nonconforming for side yard (8 ft. required; 7.8 ft. existing on the east side and 6 ft. existing on the west side; 7.8 ft. on the east side and 0 ft. on the west side proposed).

Based on the information provided, the Office of Planning does not find sufficient evidence that the applicant has satisfied the tests for its requested variances. The application did not sufficiently establish what unique property characteristic(s) create a practical difficulty in this case, and has advised the applicant that more compelling evidence of institutional necessity and inability to redesign to meet the Zoning Regulations should be provided.

The applicant has also requested parking relief from § 2101.1 (15 parking spaces required, 0 spaces proposed¹). If the BZA finds that the applicant has met the variance test for the other forms of required relief, OP has no major concerns with the parking relief request.

II. LOCATION AND SITE DESCRIPTION

Address	2811 14 th Street, NE	BOARD OF ZONING ADJUSTMENT District of Columbia CASE NO. <u>18391</u>
Legal Description	Square 4020, Lot 29	EXHIBIT NO. <u>27</u>
Ward	5	
Lot Characteristics	The rectangular lot has an area of 5,000 square feet. It is 50 feet wide along the Girard Street, NE frontage and along the rear. The lot is 100 feet deep.	
Zoning	R-1-B – detached and semi detached single family dwellings.	
Existing Development	Place of Worship, permitted in this zone.	

¹ The applicant has requested relief from § 2101, consistent with the letter from the Zoning Administrator (ZA), but has indicated that they are requesting relief to locate the required parking spaces off-site, which would require relief from § 2116. The applicant has provided a letter from the parking provider, but the spaces would only be available on Sunday. Assuming the building is used on other days of the week, this would not fully address the parking issue and OP feels that relief from parking, as noted by the ZA is more appropriate form.

Historic District	N/A
Adjacent Properties	Predominantly detached single family dwellings. The Church of the Redeemer is located on the same block at 1441 Girard Street NE.
Surrounding Neighborhood Character	The neighborhood is predominantly detached single family dwellings.

III. APPLICATION IN BRIEF

The proposal is to construct a one-story 2,171 sf. addition to the side and rear of St. Mary's Missionary Baptist Church. The addition would change the front entrance from 14th Street to Girard Street.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-1-B Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	50 ft. min.	50 ft.	50 ft.	None required
Lot Area § 401	5,000 SF min.	5,000 SF	5,000 SF.	None required
Lot Occupancy § 403	60% max.	29.1%	72.5%	Relief required
Rear Yard § 404	25 ft. min.	53.75 ft.	8 ft.	Relief required
Side Yard § 405	8 ft. min.	7.8 ft.(east) 6 ft. (west)	7.8 ft. (east) 0 ft. (west)	Existing nonconforming ²
Parking § 2101.1	15 min.	NA	Offsite	Relief required



Figure 1: Subject Property

² Although the existing and proposed side yards are less than the 8 ft. required by § 405.9, according to § 405.5, "a side yard shall not be required along a side street abutting a corner lot in a Residence District." In addition, the Zoning Administrator did not specify that side yard relief was necessary.



Figure 2: Subject Property



Figure 3: Subject Property

V. OFFICE OF PLANNING ANALYSIS

- a. **Variance Relief from § 403.2 Lot Occupancy, and § 404.1 Rear Yard**
 - i. **Exceptional Situation Resulting in a Practical Difficulty**

The subject lot is not unique or exceptional. It is rectangular and is of a similar size as adjacent lots and other lots in the vicinity. The size of the subject property meets the minimum 50-foot width and 5,000 square foot area required under §401. The topography of the site includes a gentle slope and is not a unique characteristic. Similarly, the structure is not unique or exceptional and is not out of character with the neighborhood. Both single-family residences and churches are permitted uses within the R-1-B zone.

The Applicant previously proposed a 1,454 sf. addition to the existing structure, which was approved by the Department of Consumer and Regulatory Affairs (DCRA); however, the applicant states that a larger 2,171 sf. addition would better allow for accommodation of the church's mission requirements, such as services for the children of drug addicted parents, space to hold AA meetings, and room for counseling troubled young adults, unwed mothers, and fathers. Additionally, the applicant indicates that approximately 1/3 of the additional space is dedicated to satisfying Americans with Disabilities (ADA) requirements.

The Applicant's request for relief states that the expansion would allow the Church to expand its mission. The application indicates that it is an exceptional and undue hardship to have to provide its programs out of a building of insufficient size, resulting in a practical difficulty related to space allocation. OP notes that in past cases the BZA has made allowances for the missions of not-for-profit institutions when considering requests for relief and has classified a non-profit institution's mission as an exceptional situation resulting in a practical difficulty; however, the Applicant did not provide adequate evidence that the proposed one-story expansion beyond the originally proposed 1,454 sf. is an institutional necessity resulting in an exceptional situation. Additional information is needed to make this determination.

OP also notes that a second floor addition could be constructed by right in the R-1-B zone (a place of worship with a maximum height of 60 ft. is permitted by § 400.6). However, the applicant's request for relief states that the construction of a second story (including an elevator, lifts and mechanical room) would be an unacceptable financial burden for the applicant.

ii. No Substantial Detriment to the Public Good

The Office of Planning is supportive of the services provided and understands the current space constraints. However, the lot on which the applicant proposes to provide these services is insufficient in size to accommodate them.

The proposed addition would be detrimental to the public good in that it would create a lot coverage and side and rear yard setback that is out of scale with neighboring properties and the R-1-B zone. The proposed lot coverage of 72% would be significantly higher than neighboring properties. The property to the rear (2809 14th Street, NE) would be located only 8 feet from the proposed addition and the addition could block light and air.

iii. No Substantial Harm to the Zoning Regulations

Granting the requested zoning relief in accordance with these provisions would be detrimental to the intent and integrity of the Zoning Regulations. Particularly within the low density residential zones, the Zoning Regulations are intended to limit the amount of lot occupied by buildings and provide for setbacks in relation to neighboring properties.

Mary's Missionary Bible Church is surrounded by single-family homes. The zoning regulations for R-1-B zones provide additional lot occupancy for a place of worship (60% compared to 40% for a home, by-right). As currently designed, the proposed

addition would significantly exceed lot coverage, as well as, rear yard setback requirements.

OP also notes that the lot occupancy relief is a result of the proposed rear yard relief – a proposal conforming to rear yard requirements would likely meet the lot occupancy limit, and vice-versa. Finally, as noted above, options do exist for additions to the building that would not require such extensive relief.

b. Parking Relief from § 2101

With regards to parking, OP notes that, as designed, the addition would preclude the possibility of parking on the site as the addition would cover most of the site, and underground parking would not be feasible on a site this size. With a conforming solution, space for on-site parking may be possible. There is a curb cut and access from 14th Street NE, but this does not appear to be a public alley and OP is unclear whether it could be used for parking access purposes, but the number of parking spaces possible would be minimal. No on-site parking is currently provided. As such, if the Board determines that the applicant has met the test for the lot occupancy and side and rear yard relief, OP feels that the applicant could meet the test for parking relief, particularly since the applicant has entered into an agreement for off-site parking spaces available on Sunday, when the need for parking is likely to be greatest.

OP does note that the church site currently utilizes parking spaces on public space, in the Girard Street NE public right-of-way. Such parking spaces would require approval of the Public Space Committee. According to the District Department of Transportation (DDOT), these spaces are typically not permitted and will likely need to be removed.

VI. COMMUNITY COMMENTS

OP has not received comments from adjacent neighbors. There is some opposition to the proposal, but OP is not aware of any submissions to the BZA, to date. In addition, the applicant has indicated that ANC 5B supports the application for relief.

VII. CONCLUSION:

The application has not adequately established a practical difficulty associated with an existing property condition or characteristic, the first standard for variance approval. It is the proposed increase in lot occupancy that would directly result in a reduction in the rear yard, (as the property's footprint would be expanded), and there is no nexus between any uniqueness of the property and a practical difficulty for the applicant. Therefore, the requested variances to increase lot occupancy to 72% and to reduce the rear yard to 8 feet cannot be justified "without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map" (§ 3103.2).

In addition, the applicant's proposal would be detrimental to the intent and integrity of the zoning regulations. As a result, OP cannot support this request for multiple variances. OP would support an effort by the applicant to redesign some of the spaces in the proposed design to arrive at a smaller building footprint.