GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

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Application No. 18418 of Pilgrim Baptist Church, pursuant to 11 DCMR § 3104.1 for a special exception to permit a church program under § 216 to allow use of an existing building in the R-4 District as administrative offices for an adjacent church at premises 712 I Street, N.E., (Square 0888, Lot 0800).

HEARING DATE: October 23, 2012
DECISION DATE: October 23, 2012 (Bench Decision)

ORDER DISMISSING APPLICATION BECAUSE NO RELIEF IS NEEDED

This application was submitted on May 30, 2012, by Pilgrim Baptist Church, the owner of the property that is the subject of the application (the "Applicant" or the "Church"). The application was filed pursuant to 11 DCMR § 3104.1 for a special exception under § 216 to establish a church program at an existing building at 712 I Street, N.E., consisting of administrative offices for the Church. The Church is located in a separate building on the adjacent lot at 700 I Street, N.E. Based upon the record before the Board, and having given great weight to the recommendations of the Advisory Neighborhood Commission ("ANC") 6A, the Board of Zoning Adjustment ("Board") concludes that the Applicant does not require zoning relief.

Preliminary Matters

Notice of Application and Notice of Public Hearing. By memoranda dated June 7, 2012, the Office of Zoning ("OZ") sent notice of the application to the District Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 6; ANC 6A, the ANC for the area within which the subject property is located; and the single-member district ANC 6A01. A public hearing was scheduled for October 23, 2012. Pursuant to 11 DCMR § 3113.13, on July 27, 2012, OZ mailed notice of the hearing to the Applicant, the owners of the property within 200 feet of the subject property, and ANC 6A.

Requests for Party Status. There were no requests for party status.

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Persons in Support/Opposition. The Board received no letters in support and one letter in opposition stating, among other things, that the Church had taken over residential buildings in the neighborhood.

Government Reports

OP. By report dated October 12, 2012, OP recommended approval of the application, subject to the Church providing additional information relating to certain criteria contained in § 216. (Exhibit 24.) OP opined that the Applicant – who seeks authorization for five years – also needed variance relief from § 216.7, which allows Board authorization for a period of time up to only three years.

DDOT. By report dated October 17, 2012, DDOT indicated "no objections to the approval of the requested special exception." (Exhibit 26.)

ANC Report. At a duly noticed public meeting on October 11, 2012 with a quorum present, ANC 6A voted 5-1-0 (with 5 Commissioners required for a quorum) to support the Church's application. (Exhibit 23.) However, the ANC also opined that, because the building will house only administrative activities for the Church (as well as a Church school and small Church music groups), no zoning relief was required.

FINDINGS OF FACT

The Property and the Surrounding Area

1. The Pilgrim Baptist Church (the "Church") is located at 700 I Street, N.E., in the R-4 Zone.

2. The Church owns the property on which it is located, as well as the adjacent property located at 712 I Street, N.E., a semi-detached one-family dwelling (hereafter known as "the subject property").

3. The rest of the block consists of attached row dwellings and two vacant lots.

The Administrative Functions at 712 I Street

4. The Church has owned the subject property since 2011 and has used the building for administrative purposes on an "as needed basis".

5. The Church proposes to expand its administrative functions at the subject property and will provide offices for up to five Church staff members.

6. The Church proposes to provide Church office space, meeting rooms, and storage space for files and equipment at the subject property.

7. All proposed activities will be in support of the Church's operations, and all administrative offices will be operated by Church employees.

CONCLUSIONS OF LAW

The Board concludes that no zoning relief is required. Because the proposed administrative functions are an integral part of the Church's operations, the administrative activities at the subject properties may operate as a matter-of-right as part of the Church. For zoning purposes, there is only one use at both properties, the "church" use. A "church or other place of worship" is allowed to operate as a matter-of-right beginning in the R-1 Zone, carrying through to the R-5 Zone. (*See,* §§ 201.1(d), 303.3(a), 320.3(a), 330.5(a), and 350.4(a).) As such, the administrative activities which support the Church's mission are allowed as part of the "church" use.

The fact that the Church building and the administrative building are on two separate record lots does not alter this conclusion. The D.C. Court of Appeals has held that a special exception for a non-profit use may be extended to a building on an adjacent record lot. *Georgetown Residents Alliance, et. al., v. District of Columbia Bd. of Zoning Adjustment*, 802 A.2d 359 (D.C. 2002). Similarly, the Board has recognized that a matter-of-right use may extend across record lot lines. As explained in *Appeal No. 16791 of Southeast Citizens for Smart Development, Inc., and ANC 6B* (June 21, 2002), the Board need not consider each record lot in isolation. In the *Southeast Citizens* case, the Board found that four adjacent buildings on separate record lots were a single "community based residential facility" for zoning purposes.

Analogously, there is no reason why the two buildings here, on adjacent but separate record lots, cannot be considered part of the same "church" use. As stated in the Findings of Fact, the proposed administrative functions are an integral part of the Church's operations. The activities will be conducted by Church employees in support of the Church's mission. Because the administrative functions may operate as a matter-of-right, no special exception relief is required.

The Board is required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001).) In this case, ANC 6A voted to support the application, but noted that it did not believe special exception relief was necessary. For the reasons discussed above, the Board considers the ANC's advice to be persuasive.

The Board is also required to give "great weight" to the recommendations of the Office of Planning. (D.C. Law 8-163, D.C. Official Code § 6-623.04). Because OP addressed only the special exception criteria, the Board concludes that OP's advice was not legally relevant to this matter.

For the reasons stated above, and having given great weight to the issues and concerns of ANC 6A, the Board concludes that the application was incorrectly filed for special exception relief. Accordingly, it is hereby **ORDERED** that the application is **DISMISSED.**

VOTE: **4-0-1** (Lloyd J. Jordan, Anthony J. Hood, Nicole C. Sorg, and Jeffrey L. Hinkle to DISMISS; 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 Order.

ATTESTED BY: _____
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 7, 2013

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.