



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: February 4, 2014
SUBJECT: **BZA Case 18707** – Request for special exception and variance relief to allow construction of an accessory parking lot on property located at 5014 Lee Street NE for the Antioch Baptist Church located at 1105 50th Street NE

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) is **unable to make a recommendation** on this request for

- Variance relief from § 214.4 because the proposed accessory lot would not be contiguous to the church property or separated from the church property by an alley, and
- Special exception relief in accordance with § 214 to locate an accessory parking lot to the church elsewhere than on the same property where the church is located

Although OP does not oppose the requested relief, the application lacks a detailed site and landscaping plan so it is unclear whether this proposal would meet the other provisions of § 214 or the applicable parking facility standards under § 2303 and other sections of the Zoning Regulations. This additional information should be supplied prior to or at the BZA public hearing.

II. AREA AND SITE DESCRIPTION

Address	5014 Lee Street NE
Legal Description	Square 5174 lot 0012
Ward:	7A
Lot Characteristics	The proposed parking lot would be located on a rectangular 4,600 square-foot (0.10 acre) property which fronts Lee Street NE along the southern (front) boundary and a 15-foot wide paved public alley along the northern (rear) boundary. An east-west building restriction line extends across the property 15 feet from the Lee Street right-of-way. Vehicles access the property directly from the alley (reference Figure 1). The existing church is located at the corner of 50th and Lee Streets NE; it is separated from the proposed parking lot by 50th Street and another property (lot 104) which is currently parking associated with the church building.
Existing Development	A fenced area of the subject lot is currently used for vehicle parking. The un-striped parking area has a gravel surface and gates in the fence that faces the alley.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18707

EXHIBIT NO. 30

Zoning	R-2 – accessory parking spaces, elsewhere than on the same lot where the associated principal use is located, are allowed by special exception in accordance with § 214
Historic District.	None
Adjacent Properties	One-family, two-story dwellings to the west and north across the alley, and another parking lot that is accessory to the Antioch Baptist Church on the adjacent corner lot to the east
Surrounding Neighborhood Character:	Moderate-density residential

III. APPLICATION IN BRIEF

Applicants	Antioch Baptist Church, owner of record
Previous Approval (for adjacent lot)	In 1995, Antioch Baptist Church received conditional approval from the Board of Zoning Adjustment (BZA) under Order No 16024 ¹ for an accessory parking lot on the adjacent corner property to the east, located at 5018 Lee Street NE (the associated approval conditions are listed in Exhibit 1) This previous approval required the facility to be developed in accordance with § 2303; and the facility design would also be subject to provisions of §§ 2111, 2115, 2116 and 2117
Proposal	This application is for a second accessory parking area on the subject property The current gravel lot does not appear to be consistent with the standards for an accessory parking lot This application did not include a detailed site plan of existing and proposed parking facility lot or any planned site improvements The applicant explained that the reason for this request is to secure a certificate of occupancy to continue using the existing fenced-in gravel parking area on the subject property Additional submissions indicate this lot has been used for the secure parking of 3-4 church-owned vehicles for the last 15 years When the Certificate of Occupancy for the gravel parking lot was submitted to the Office of the Zoning Administrator (ZA), the ZA responded in a letter dated November 5, 2013, that the following zoning relief is required • special exception relief in accordance with § 214 to locate accessory parking spaces elsewhere than on the same property where the associated principal (church) use is located; and • variance relief from § 214.4 because the proposed accessory lot would not be consistent with provisions requiring the accessory parking facility to either be contiguous to the church property or only separated from the church property by an alley

¹ This order granted special exception relief allowed under § 214 for the proposed accessory parking facility with a variance from § 214.4 because the off-premise lot is across the street from the church and not an alley

The subject property and parking area are 180 feet from the church site (reference Figure 2).

Figure 2

Antioch Baptist Church

Subject Property

Accessory church lot (Order No. 16024)

R-2

50TH PL NE

50TH ST NE

PUBLIC ALLEY 15 FEET WIDE

LEE ST NE

40 feet

140 feet

Lot 12

Lot 13

Lot 14

Lot 15

Lot 16

Lot 17

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- The existing gravel parking facility does not meet the referenced standards and no site plan was provided to show how the applicable standards would be met.

Relief Sought:	Special exception relief in accordance with § 214 for the accessory parking lot and variance relief from § 214.4. ²
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IV. ZONING REQUIREMENTS

The subject property is within the R-2 District. Accessory parking facilities are permitted by special exception, subject to the standards under § 214. Subsection 214.4 requires that an off-site accessory parking facility "... shall be contiguous to or separated only by an alley from ..." the use to which it is accessory. However, the subject property is separated from the Antioch Baptist Church site by 50th Street NE and the previously-approved accessory parking on the abutting property to the east. Consequently, variance relief from this provision is also required.

V. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 214.3:

- *Unique and exceptional conditions resulting in a practical difficulty:*

This property owned by the church is not contiguous to or separated by an alley from the church site, as required by the regulations.

OP suggested combining the two existing parking lots to create a single parking facility to possibly eliminate the existing driveway access along Lee Street and create one-way vehicle circulation from-and-to the adjacent alley. The supplements indicated that

contractors contacted by the applicant responded that the cost of grading cost both properties to create one parking facility would be significant due the difference in the elevation of each lot.

When OP asked about other church property in the vicinity, the applicant indicated that Antioch Baptist Church does not own any other property adjacent to or across the alley from the church site. The existing parking on the church site and next to the alley is reserved for the staff of the church and the resident child care center. The open space north of the church building serves as center recreation space.

- *Detriment the public good:*

According to the submissions, the subject property has been occupied by the current use for 15 years. It would continue to be used to securely park a few church vehicles. Supplemental submissions indicated that vehicles move in and out of the lot infrequently, so the lot (has) less impact on neighboring properties than existing approved accessory parking facility. The fenced parking area would continue to be located behind the building restriction line along Lee Street, and vehicle access to the property and parking facility would continue to be from the alley.

- *Detriment to the intent, purpose and integrity of the zoning regulations:*

Based on this information, approval of a variance from the referenced subsection would not be contrary to the intent and purpose, or detrimental to the integrity of the Zoning Regulations.

Figure 1



² Based on the zoning definitions in §§ 3103.4 and 3103.5, an area variance appears to be required in this case.

214 6 *It shall be deemed economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following*

(b) *Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot,*

(c) *Unusual topography grades, shape, size, or dimensions of the lot,*

Existing development on the church site (the church building, parking spaces and the outdoor recreation space for the resident child development center) does not allow the creation of additional onsite parking

(d) *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets, or*

Alley access is available to the church site across 50th Street NE. However, as noted above, the onsite parking adjacent the alley is reserved for staff of the church and the resident child development center

214 7 *Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions*

An accurate site plan of the proposed parking facility is needed to evaluate this standard

214 8 *Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D C Department of Transportation for review and report*

Refer to the Agency Comments section below

As previously noted, OP was unable to fully evaluate this proposal based on the current submissions. The applicant was requested to provide a more detailed site plan that accurately depicts the existing conditions on and proposed changes to the existing parking facility.

VI. AGENCY COMMENTS

To date, no District Department of Transportation comments have been added to the case record file.

VII. COMMUNITY COMMENTS

There is no final resolution on this application from Advisory Neighborhood Commission (ANC) 7A in the case record file.

Exhibit 1

Order 16024

(Approval Conditions for the Adjacent
Accessory Parking Lot at 5018 Lee Street NE)

- 1 The number of parking spaces shall not exceed 20 The parking lot shall be developed as shown on Exhibit No 2 and 3 of the record and in accordance with 11 DCMR 2303
- 2 The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line
- 3 Any lighting used to illuminate the parking lot shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot
- 4 The parking lot shall be kept free of refuse and debris at all times
- 5 Landscaping shall be provided in accordance with Exhibit No 30 of the record Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance at all times