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District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Development Review Specialist
Joel Lawson, Associate Director Development Review
DATE: May 27, 2014

SUBJECT: BZA Case 18766 – request for special exception and variance relief to allow the continuation of church programs established on a church-owned property at 4510 8th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) commends the church on its outreach ministries but **cannot support** the relief requested pursuant to § 216 to allow program activities to continue on a church-owned property across street from the church because the subject property does not meet the referenced standard for special exception approval

OP is also **unable to support** variance relief requested from § 216 3 (which effectively limits church programs to church sites) because the identified condition that leads to a practical difficulty in this case does not appear unique

II. LOCATION AND SITE DESCRIPTION

Address	4510 8 th Street NW
Legal Description	Square 3017, Lot 0033
ANC	4C
Lot Characteristics	A rectangular interior lot with an area of 3,910 square feet (0.09 acre) and frontages along 8 th Street NW and the adjacent rear alley 15-feet wide. The property is elevated above the adjacent street and alley with north-south retaining walls in the front and rear yards. A north-south building restriction line also extends across the property a distance of 15 feet from the 8 th Street right-of-way.
Zoning	R-3 – church programs are conditionally allowed within the church building per § 216 of the Zoning Regulations.
Existing Development	The subject property is developed with a two-story, detached building and a 19 x 76-foot paved parking pad in the rear yard located between the retaining wall and the adjacent alley. During a visit to the site, OP observed that the pad is occupied by two storage buildings and a vehicle under a tarp, and there is a sign on the front building façade (refer to Figure 1).
Historic District	None

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18766

EXHIBIT NO. 23

Board of Zoning Adjustment



Adjacent Properties	Similar two-story row dwellings in the same zone district
Surrounding Neighborhood Character	Primarily low-density residential on the subject square with institutional uses directly east across 8 th Street on the entirety of Square 3104 (the New Southern Rock Baptist Church) and further east across Kansas Avenue NW on Square 3138 (E.L. Haynes at Clark Charter School)

III. PROJECT DESCRIPTION IN BRIEF

Applicant	New Southern Rock Baptist Church, owner of record.
Proposal	To continue programs of the church outreach ministry currently operating out of a detached church-owned building located directly across 8th Street NW from the actual church on Square 3104 (refer to Exhibit 1) The church has owned and continued to operate an annex on the subject property for twenty years The application indicated that future program activities would continue to operate entirely within the existing building and no new construction is proposed This application was submitted to bring the existing use into zoning compliance
Relief Sought	Special exception relief from § 216 (church programs) and variance relief from subsection § 216 3 which states <i>216 3 The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s)</i> The variance relief was requested in case the Board of Zoning Adjustment (BZA) determines the phrase “existing church building(s)” <i>only</i> applies to the actual church building on Square 3104 and does <i>not</i> include this church property across the street. The Board dismissed a church program case filed in 2012 ¹, finding that the programs proposed on a property directly adjacent to the principal church did not require special exception approval OP inquired of the DC Zoning Administrator and the Office of Attorney General (OAG) whether the Board could dismiss this application based upon that precedent OAG’s preliminary view was that this application could be distinguished from the previous one, both because the new building would not be immediately adjacent to the church and because the proposed programs are not accessory to the church use, but stand-alone programs for which separate certificates of occupancy would ordinarily be required

IV. OP ANALYSIS

Consistency with § 216 (church programs)

216 1 Use for a program conducted by a church congregation or group of churches shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section

¹ BZA Application No 18418 for Pilgrim Baptist Church, 712 I Street NE, was dismissed on October 23, 2012

- 216.2 *The church program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.*

The application states that programs of the church outreach ministries include clothes distribution, delivery of lunches for and to homeless shelter residents, the men's ministry, hosting Church Board of Trustee meetings and after school care computer programs, among other activities. These programs are not organized for profit, but rather to promote social welfare in the community.

- 216.3 *The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).*

All parts of the referenced programs would (continue to) be conducted within the existing building on this church property; however the property where the actual church is located is across the street on a different square.

The subject property, therefore, *cannot* meet this standard. In case the Board is also of that opinion, the applicant requested relief from this provision (refer to the § 3103.2 analysis section below).

- 216.4 *The staff conducting the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services.*

The application indicated that church representatives will testify at the public hearing that the current program activities meet this standard.

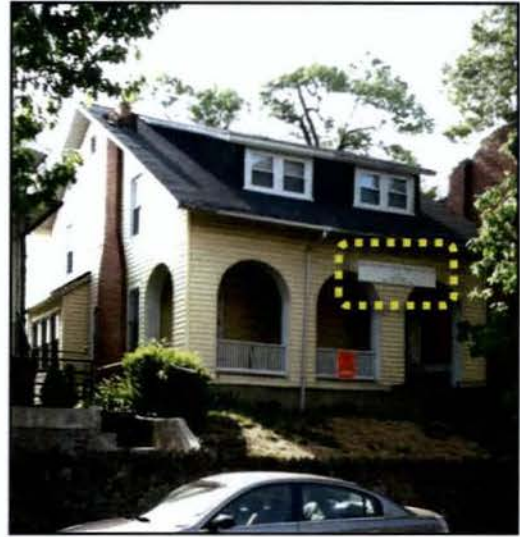
- 216.5 *The operation of the program shall be such that it is not likely to become objectionable in the Residence District because of noise and traffic.*

So far, there is no indication that activities conducted on the subject property to date have been objectionable to the neighbors.

- 216.6 *No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds.*

Although the application states no external signage is proposed, there is an existing sign on the front building façade (refer to Figure 1).

Figure 1



Based on this review, the application *does not meet* all the standards for the special exception approval.

Consistency with § 3103.2 for a variance from § 216.3 (operate church programs on the church site)

- **Uniqueness Resulting in a Peculiar and Exceptional Practical Difficulty**

The application indicated that the extraordinary and exceptional situation in this case is that the actual church building occupies the entirety of Square 3140. Because no additional land is available on the square, a church annex was established in this building on the subject property across the street.

There are *numerous* examples around the District of institutional uses on squares where no

adjacent property is available for expansion of the existing uses. As such, the fact that there is no more land available for church expansion on Square 3140 does not seem a sufficiently unique condition.

- **No Substantial Detriment to the Public Good**

Pending comments from the abutting neighboring property owners and Advisory Neighborhood Commission (ANC) 4C, there is no indication that program activities on the subject property have been detrimental to the surrounding properties.

- **Substantial Harm to the Zoning Regulations**

The regulation appears to be an attempt to limit the “spread” of institutional uses throughout residential areas surrounding non-residential (place of worship) uses. Granting the requested relief without the identification of a *truly* unique characteristic or circumstance of the property that results in a peculiar and exceptional practical difficulty is contrary to the intent and detrimental to the integrity of the Zoning Regulations.

V. COMMENTS FROM OTHER DISTRICT AGENCIES

At this time, comments from other District agencies about this case have not been received.

VI. COMMUNITY COMMENTS

To date, no ANC 4C resolution on this case or comments from neighboring property owners have been added to the case record file.

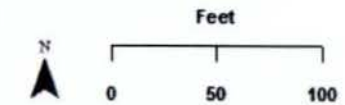


**BZA Application No. 18766
Properties in Vicinity**

Property Squares

Zoning Districts

Street Centerlines



Government of the District of Columbia
Office of Planning ~ May 20, 2014

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