IK ONKAR ~ GOD IS ONE

The Sikh Cultural Society

A Non Profit Organization Incorporated in 1964

Mr. Jerrily R. Kress, FAIA
Director, Board of Zoning Adjustment
District Building,
441 4th Street N.W.
Suite 210-S
Washington, D.C. 20001

September 7, 2000

BZA
Case No. 16604
Exhibit No. 25

DISTRICT OF COLUMBIA
OFFICE OF ZONING
00 SEP -8 P2:56

Dear Mr. Kress:

In response to your notice dated July 20, 2000, The Sikh Cultural Society submits as follows in reference to BZA Appeal 16604:

The Sikh Cultural Society of Washington, D.C., a non-profit religious organization incorporated in 1964, has owned the property at 3801 Massachusetts Avenue, NW for more than two decades. The society submitted building plans for preliminary review in 1995. The required modifications, including conversion of the basement floor to a parking garage, were made and an application for the building permit was submitted on November 8, 1996. After a rigorous review extending over three years, the plans were approved and a building permit was finally issued on July 16, 1999.

The recently formed Fairview Heights Neighborhood Association filed an appeal before the BZA on the grounds of "excessive height and lot coverage, inadequate setbacks, insufficient off-street parking spaces, serious traffic and safety issues and deprivation of light and air to neighboring properties" (Mr. Vogel's application, dated June 12, 2000)

In connection with this, we submit the following information about the Sikh Temple:

HEIGHT DCMR 11 Section 400.7 and the Zoning Regulations and Rules compiled by Wilkes, Artis, Hedrick and Lane, Chartered Article 32 Section 3201.25 (attachment), state that a church may be erected to a height of 60 feet. The height of the temple is 31 feet. Our dome structure is a silent embellishment and non-functional. It is a traditional architectural feature of Sikh Temples.

LOT OCCUPANCY Section 3303.1 of Regulation states that churches are allowed lot occupancy of 60%. The temple occupancy is less than 50%.

4452 Springdale Street NW, Washington, D.C. 20016 (202) 244-2479 FAX: (202) 244-3620

Board of Zoning Adjustment
District of Columbia
CASE NO.16604
EXHIBIT NO.25

SETBACKS On the alley side, the Temple has a setback of 26 feet. The temple set back from the house on 3811 Massachusetts Avenue, is 10 feet. As per section 3305.6, no setback is required from 38th street. Due to the angle of the property, the front set back from Massachusetts Avenue is 40 feet from one corner of the property line and approximately 11 feet from the other corner. Furthermore, the property line is about 60 feet from the curb of Massachusetts Avenue, thus providing for a deep front yard for trees, shrubbery and lawn.

MASS The temple mass is fully compatible with the neighborhood. Some of the existing houses on 38th street are 'grouped block' of up to four houses. The apartment building in the adjoining block at 3701 Massachusetts Avenue is comparatively massive, as is Alban Towers on the opposite side.

The Sikh Cultural Society representatives co-operated and attended all the ANC meetings where the plans were reviewed extensively. We have met all Regulations and Rules set forth by the Government of the District of Columbia. Thank you for your consideration in this matter and if you have any questions, please contact the Sikh Cultural Society.

Sincerely,

Satwant K. Bell
Member of the Board

CC: Rev. Donald Robinson

ZONING REGULATIONS AND RULES

in the

DISTRICT OF COLUMBIA

including

THE ZONING REGULATIONS
effective May 12, 1958

THE RULES OF PRACTICE AND PROCEDURE BEFORE
THE ZONING COMMISSION
effective October 26, 1979

THE SUPPLEMENTAL RULES OF PRACTICE AND
PROCEDURE BEFORE THE BOARD OF
ZONING ADJUSTMENT
effective August 27, 1982

SCHEDULE OF FEES FOR FILING APPLICATIONS
BEFORE THE BOARD OF ZONING ADJUSTMENT
effective September 23, 1983

ALL CONTAINING AMENDMENTS THROUGH
JANUARY 1, 1986

Compiled by

WILKES, ARTIS, HEDRICK AND LANE,
CHARTERED

STEVEN E. SHER
Director of Zoning Services

ARTICLE 32

HEIGHT REGULATIONS FOR RESIDENCE DISTRICTS

SECTION 3201 - HEIGHT OF BUILDINGS OR STRUCTURES

3201.1 Except as specified in the following sub-sections of this section and in Chapter 7, the height of buildings or structures in a Residence District shall not exceed that given in the following table:

DISTRICT	HEIGHT IN FEET	HEIGHT IN STORIES
R-1-A, R-1-B, R-2 R-3, R-4, R-5-A	40	3
R-5-B.....	60	NO LIMIT
R-5-C.....	90	NO LIMIT
R-5-D.....	90	NO LIMIT

3201.2 Except as provided in Section 7609 the height of buildings or structures as specified in Sub-section 3201.1 of this section may be exceeded in the following instances:

3201.21 A spire, tower, dome, pinnacle, or minaret serving as an architectural embellishment may be erected to a height in excess of that authorized in the district in which located.

3201.22 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which located when required by other municipal law or regulation.

3201.23 If approved by the Board of Zoning Adjustment in accordance with Paragraph 3101.47, a radio or television tower may be erected to a height in excess of that authorized in the district in which located.

3201.24 A building or other structure may be erected to a height not exceeding 90 feet, provided such building or structure is removed from all lot lines of its lot for a distance equal to the height of such building or structure above the natural grade.

3201.25 A church may be erected to a height of 60 feet, provided, it does not exceed the number of stories permitted in the district in which located.

3201.26 If erected or enlarged as provided in Section 3308 housing for mechanical equipment, a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located provided such housing or penthouse is set back from all lot lines of the lot upon which such structure is located a distance equal to their respective heights above the roof of the top story. Such roof structures shall not exceed 18 feet 6 inches in height above the roof upon which they are located.

3201.27 An institutional building or structure may be erected to a height not exceeding 90 feet provided such building or structure is removed from all lot lines of its lot a distance of not less than one foot for each foot of height in excess of that authorized in the district in which located.

3201.28 In an R-1 and R-2 District, a public school building or structure may be erected to a height not exceeding 60 feet.

3201.29 In an R-3, R-4, R-5-A and R-5-B District, a public school building or structure may be erected to a height not exceeding 90 feet.

3201.3 Where required by the Act of June 1, 1910 (36 Stat. 452), as amended, a height in excess of that therein permitted must be authorized by the Commissioners of the District of Columbia.

ARTICLE 33

AREA DENSITY REGULATIONS FOR RESIDENCE DISTRICTS

SECTION 3301 - MINIMUM LOT DIMENSIONS

3301.1 Except as prescribed in the other paragraphs of this Section, the minimum dimensions of a lot in a Residence District shall be as given in the following table:

District and structure	Minimum lot area in square feet	Minimum width of lot in feet
R-1-A		
All structures.....	7,500	75
R-1-B		
All structures.....	5,000	50
R-2		
One-family semi-detached dwelling.....	3,000	30
All other Structures.....	4,000	40
R-3		
Row dwelling.....	2,000	20
One-family semi-detached dwelling.....	3,000	30
All other Structures.....	4,000	40
R-4		
Row dwelling and flat..	1,800	18
One-family semi-detached.....	3,000	30
Conversion to apartment house.....	900 per apartment or bachelor apartment	None prescribed
All other structures...	4,000	40

District and structure	Minimum lot area in square feet	Minimum width of lot in feet
R-5-A	As prescribed by Board	As prescribed by Board
R-5-B, R-5-C, R-5-D	None prescribed	None prescribed

3301.2 Except as provided in Chapter 7 of these regulations, in the case of a building located, on the effective date of these regulations, on a lot area or width of lot, or both, less than is prescribed above for the district in which it is located, such building may not be enlarged or replaced by a new building unless it complies with all other provisions of these regulations.

3301.3 Except as provided in Sub-section 3301.4, in the case of an unimproved lot in single ownership on November 1, 1957, which has an area or width of lot less than that specified in Sub-section 3301.1 for the district in which located and does not adjoin another unimproved lot in the same ownership, a structure may be erected thereon if both the area and width of lot are at least 80 per cent of the area and width of lot specified under Sub-section 3301.1, provided the structure complies with all other provisions of these regulations.

3301.4 In the case of an unimproved plot of ground in single ownership on November 1, 1957, which has an area or width less than 200 per cent of that prescribed in Sub-section 3301.1 for the district in which located and does not adjoin another unimproved plot of ground in the same ownership, two structures may be erected thereon provided each structure is erected on a lot which complies with 80 per cent of both the required area and width of lot specified in Sub-section 3301.1, and provided each structure complies with all other provisions of these regulations.

3301.5 In R-5-A Districts each row dwelling shall have at least 1,800 square feet of gross land area exclusive of any land area in the project used as a basis for determining the floor area ratio of multi-family buildings. However, each row dwelling need not have a site of 1,800 square feet and the difference between the site area and the gross land area may be accumulated into common spaces. Land areas used to support this floor area ratio of multi-family buildings may also be used for common spaces.

3301.6 Each lot created after the effective date of this paragraph and to be used and occupied by a one-family

detached dwelling, one-family semi-detached dwelling, community-house or row dwelling shall have a street frontage measured along the street a distance equal to at least 40 percent of the required minimum width of lot and in no case less than 14 feet.

3301.7 Each lot created after the effective date of this paragraph and to be used and occupied by an apartment house shall have a street frontage measured along the street a distance of not less than 30 feet.

SECTION 3302 - FLOOR AREA RATIO

3302.1 Except as provided in other paragraphs of this section and in Section 3308, the maximum permitted floor area ratio in a Residence District shall be given in the following table:

District	Floor area ratio (FAR)
R-1-A, R-1-B, R-2, R-3, R-4	None prescribed
R-5-A	
All structures.....	0.9
R-5-B	
All structures.....	1.8
R-5-C	
All structures.....	3.5
R-5-D	
Apartment house and hotel..	6.0
Any other structure.....	5.0

3302.2 In an R-1 and R-2 District the maximum floor area ratio requirements applicable in each district may be increased for specific public school buildings or structures; provided, the total gross floor area of all buildings and structures on the campus shall not exceed a floor area ratio of 0.9. In an R-3, R-4, R-5-A and R-5-B District the maximum floor area ratio requirements applicable to each district may be increased for specific publi school buildings or structures, but shall not exceed the floor area ratio prescribed for the R-5-B District. In al other residential districts, increases in the floor area ratio of all public school buildings and structures shall not exceed the floor area ratio prescribed for the R-5-C District.

3302.3 First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio provided not more than 50 percent of the perimeter of said space may be comprised of columns, piers, walls or windows or similarly enclosed.

SECTION 3303 - PERCENTAGE OF LOT OCCUPANCY

3303.1 No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy prescribed in the following table:

District and structure	Percentage of lot occupancy
R-1-A, R-1-B, R-2	
Church, public school.....	60
All other structures.....	40
R-3	
Row dwelling, flat, church, public school....	60
All other structures.....	40
R-4	
Row dwelling, flat, church or public school.....	60
Conversion to multiple dwelling.....	None prescribed
All other structures.....	40
R-5-A	
Church, public school.....	60
All other structures.....	40
R-5-B	
All structures.....	60
R-5-C, R-5-D	
All structures.....	75

3303.2 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in Sub-section 3303.1 provided that the portion of such building excluding closed courts exceeding the permitted lot coverage does not exceed 20 feet in height or two stories, and provided, further, that direct pedestrian access not less than 10 feet in width from at least two public right-of-way shall be provided to each roof area used for these purposes. Such roof area shall be used only for open space, recreation areas or other athletic and field equipment areas in lieu of similarly used space normally located at ground level.

SECTION 3304 - REAR YARDS

3304.1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as prescribed in the following table:

District	Minimum depth of rear yard
R-1-A, R-1-B.....	25 feet
R-2, R-3, R-4, R-5-A.....	20 feet
R-5-B, R-5-C.....	4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet.
R-5-D.....	3 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet.

3304.2 In the case of a through lot, or a corner lot, abutting three or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

3304.3 In the case of a lot proposed to be used by a public school which abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.

3304.4 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to such a building into the required rear yard, provided that such extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

SECTION 3305 - SIDE YARDS

3305.1 Side yards shall be provided on lots in Residence Districts as prescribed in the following table, subject to the special requirements of other sub-sections of this section:

District	Minimum width of each side yard
R-1-A, R-1-B, R-2.....	8 feet
R-3, R-4.....	None required, except as provided under Paragraphs 3305.2, 3305.3 and 3305.6.
R-5-A.....	Three inches per foot of height of building, but not less than eight feet.
R-5-B, R-5-C, R-5-D....	None required, except as provided under Paragraphs 3305.2, 3305.3 and 3305.6.

3305.2 In an R-2, R-3, R-4 or R-5 District, a one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

3305.3 In an R-3, R-4 or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.

3305.4 In R-2, R-3 R-4 and R-5 Districts when a one-family dwelling, flat or multiple dwelling is erected which does not share a common division wall with an existing building or a building being constructed together with the new building then it shall have a side yard on each resulting free standing side.

3305.5 Except as provided in Sub-section 3305.2, in an R-5-A District one side yard shall be provided for all structures unless such structure is an apartment house containing three or more dwelling units per floor, in which case two side yards shall be provided, each with the minimum width set forth in Paragraph 3305.1.

3305.6 A side yard is not required along a side street abutting a corner lot in a Residence District.

3305.7 Except as provided in Sub-section 3305.2 and 3305.3, a side yard is not required in an R-3, R-4, R-5-B, R-5-C, or R-5-D District. However, if such yard is provided, it shall be at least three inches wide per foot of height of building, but not less than eight feet wide.

3305.8 In the case of a lot located in an R-1 or R-2 District proposed to be used by a public school which abuts or adjoins on one or more side lot lines a public open space, recreation area, or reservation, the required side yard may be reduced or omitted.