GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: November 17, 2000

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 16632
Medhane Alem Eritrean Orthodox Church

ATTACHMENTS:

1. Location Map
2. Photographs
3. Parking Study

Medhane Alem Eritrean Orthodox Church Staff Report

Summary

This report recommends approval with conditions of a variance from the parking requirements of Section 3202.2 for a church use in the C-1 zone.

Outstanding Issues:

- Is there an exceptional condition of the subject property that requires relief from strict application of off-street parking requirements?
- Are there exceptional practical difficulties in providing off-street parking on the property?
- Can the relief sought be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map?
- What traffic and parking demand management policies will be used to minimize impacts on the neighborhood?

BZA Case No. 16632 Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16632
EXHIBIT NO.29

Recommended Action:

- The existing small size of the lot and the lack of front, side and rear yards present exceptional conditions of the subject property.
- The fact that the existing lot is small and completely covered by an existing building creates exceptional practical difficulties in providing off-street parking on the property.
- Substantial on-street parking is available during the church's regular meeting hours to accommodate its parking needs if appropriate transportation management steps are taken. The proposed use of on-street parking will not be a substantial detriment to the public good and will not substantially impair the intent, purpose, and integrity of the zone plan.
- By requiring a commitment to efforts to encourage ridesharing, transit, bicycle and pedestrian modes of transportation by members parking demands can be reduced. The Applicant should continue to pursue an off-site parking agreement.

Background

The Medhane Alem Eritrean Orthodox Church proposes to renovate an existing building at 4700 14th Street, NW, to accommodate its needs for a place of worship. The vacant building was formerly a convenience store, which covers the entire 2000 square foot lot. The building abuts a series of retail buildings fronting 14th Street. A church or other place of worship is permitted as a matter of right in the C-1 zone. The applicant has pursued an offsite parking agreement with the Bus Barn across the street, but such an agreement would take six to nine months to finalize. The Church urgently needs a place to worship.

Project Description

The church proposes to convert the majority of the building into one large room for services. The remainder of the building will be remodeled to provide two restrooms. No other uses or church programs are contemplated for the site. The building could accommodate 120 occupants; therefore, the parking requirements of section 2101.1 require 1 space per 10 seats or 12 parking spaces. According to the applicant the church currently consists of 30 members.

Analysis

Request for relief from required on-site parking is an area variance[1]. The criterion of "practical difficulties" is used for granting area variances[2]. Due to the size of the lot and the existing conditions of an existing building occupying the entire lot the "practical difficulties" criterion is met.

---

[1] Similar to Association For Preservation of 1700 Block of N St., N.W. v. District of Columbia Bd. Of Zoning Adjustment, App. D.C., 384 A.2d 674 (1978)

[2] Palmer v. Board of Zoning Adjustment, App. D.C., 287 A.2d 535 (1972)

In addition, the Church has an immediate need for worship facilities and, according to their statement, "the church does not have the wherewithal to rehabilitate this building into a modern store, and it is questionable if the owner can sell the property as a store or other use in this location for the amount it has invested." The Church has invested in this property as its place of worship and cannot maintain itself elsewhere. Economic feasibility may be considered in deciding whether area variances should be granted[3].

The Office of Planning notes that this is not a preferred use of the site, but church uses are permitted as a matter of right in the C-1 zone. The focus of this application is to consider an area variance from parking requirements and not the suitability of the use. The courts may see denial of this application for use as a church and not for parking concerns as impacting First Amendment rights.

The property is unique in its small size and the existence of a non-conforming structure, which was built prior to the current zoning regulations. The existing structure does not meet the current lot coverage and rear yard requirements. The ordinary repairs, alterations, and modernizations to the structure that the church proposes are permitted under 11 DCMR 2001.2. The Church's proposed rehabilitation of the site will improve upon the existing conditions.

Due to the ample street parking on Sunday mornings when the Church will be in use, as shown in the applicant's parking study, the variance will not cause substantial detriment to the public good. The Church does not propose extensive use of the structure at any time other than Sunday mornings. The applicant has stated that no church programs such as day care, soup kitchens, clothes distribution, or other charitable programs will be undertaken at this location. Also, the applicant has stated that the Church will direct its members to park in the commercial on-street parking as identified in the parking study (Attachment 2) and not in the neighboring residential areas.
Other Agencies – Comments from the Department of Public Works, the Office of the Fire Marshall and the Metropolitan Police Department were solicited by the Office of Planning. No comments have been received from these agencies at the time of this report.

ANCs and Community Groups – The Office of Planning discussed the project with a representative from the 16 th Street Neighborhood Association. First, neighbors were concerned regarding parking on residential streets. Second, the neighborhood wants to encourage redevelopment of the retail strip along 14th Street to provide additional retail services, attract other local business, and establish a "cornerstone" for building the community. The introduction of a church, which will only be occupied once or twice a week and does not serve the immediate community, does not further these goals. ANC 4C opposes the application because of parking concerns in residential areas and the use as a church is not consistent with the needs of the community.

[3] Tyler v. District of Columbia Board of Zoning Adjustment, App. D.C., 606 A.2d 1362 (1992)

Issues for Consideration

Is there an exceptional condition of the subject property that requires relief from strict application of off-street parking requirements?

The existing small size of the lot and the lack of front, side and rear yards present exceptional conditions of the subject property. The lot is 23.70 feet wide by 90 feet long for a total of 2,133 square feet which is almost completely occupied from property line to property line by an existing building. A typical conforming lot would have no more than 60% lot coverage and a 20-foot rear yard.

Are there exceptional practical difficulties in providing off-street parking on the property?

The fact that the existing lot is small and completely covered by an existing building creates exceptional practical difficulties in providing off-street parking on the property. Demolition of a portion of the existing building to create parking spaces would not be practical and would not provide sufficient parking for any reasonable use of commercially zoned property. The applicant only proposes to renovate an existing unkempt structure to provide an attractive place of worship.

Can the relief sought be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map?

Based on the parking study provided by the applicant, substantial on-street parking is available during the church's regular meeting hours to accommodate its parking requirement. If appropriate transportation management steps are taken, the church's parking demand can be minimized. If the regular meeting hours proposed by the applicant are adhered to and the church encourages it members to rideshare, use public transit, bike or walk, then, the proposed use of on-street parking will not be a substantial detriment to the public good and will not substantially impair the intent, purpose, and integrity of the zone plan.

What traffic and parking demand management policies will be used to minimize impacts on the neighborhood?

Due to the unique nature of the Eritrean Orthodox Church, its members are likely to be spread throughout the metropolitan area. Therefore, parking demand will be higher than a more common religious institution that would serve its neighboring community. Though the zoning ordinance only requires 1 space per 10 seats it is sensible to assume that if the Church's membership were to grow to 120, then, the parking demand would likely exceed 12 spaces. To mitigate the potential parking impacts, the Office of Planning recommends that the Board require a commitment to efforts to encourage ridesharing, transit, bicycle and pedestrian modes of

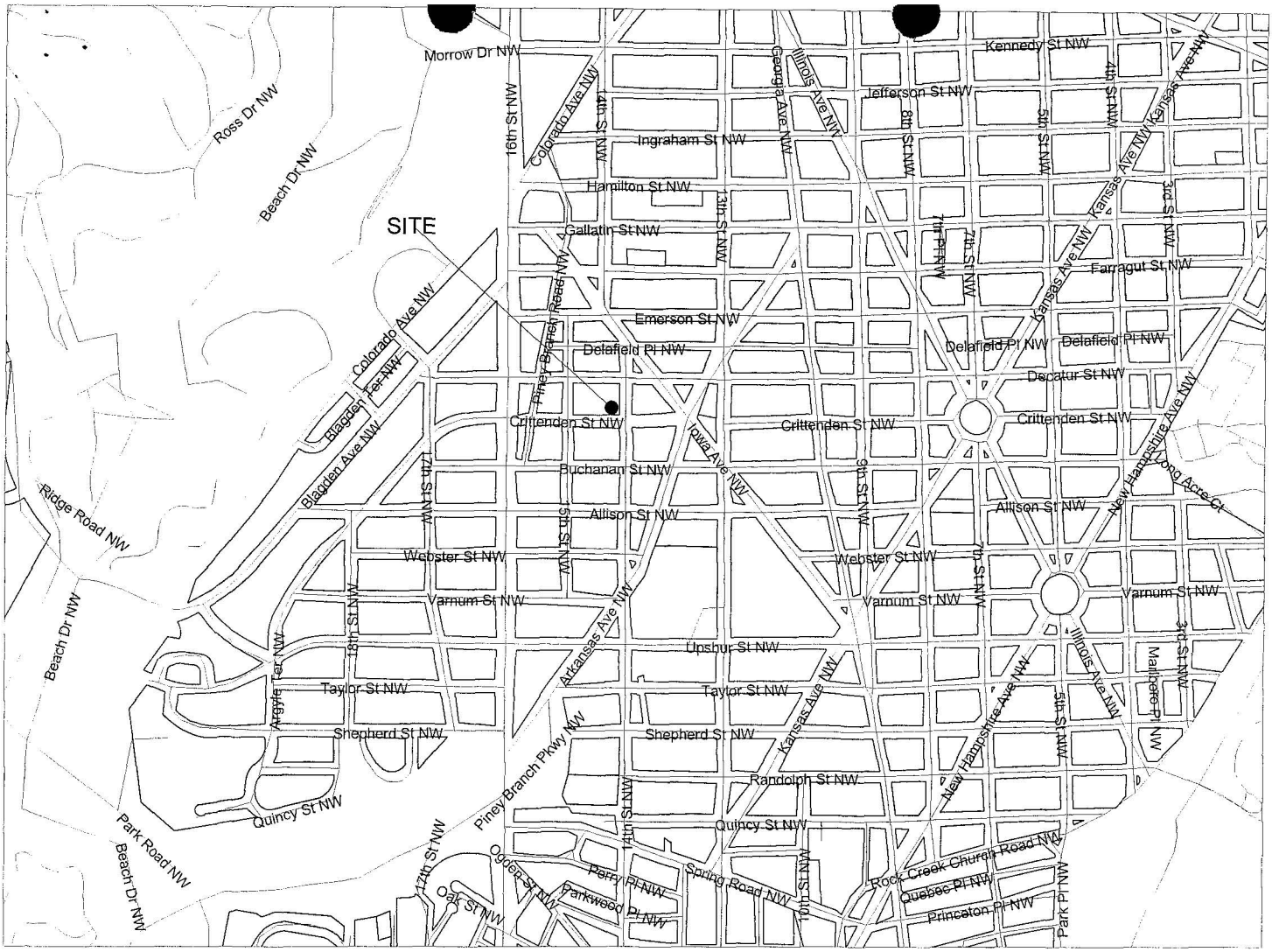
transportation by members. In addition, members should be encouraged not to park in on nearby residential streets. The Applicant should also continue to pursue an off-site parking agreement that would meet its current and future parking demands.

Recommendation

The Office of Planning recommends approval of BZA application 16632 requesting a variance from the parking requirements of Section 2101.1 to permit use as a church providing 0 on-site parking spaces where 12 are required. The Office of Planning urges the Board to adopt the following conditions[4]:

1. Use of the structure for services or other large gatherings shall be limited to Sunday mornings.
2. The applicant shall establish a program to encourage ridesharing, transit, bicycle and pedestrian modes of transportation by church members to minimize parking demand.
3. The applicant shall diligently pursue an off-site parking agreement. Upon approval of an off-site parking agreement by the Board of Zoning Adjustment or two years from the date the variance is granted, whichever occurs sooner, this variance shall become null and void.

[4] The Board may impose conditions which regulate the use of property based on evidence, National Black Child Dev. Inst. V. District of Columbia Bd. Of Zoning Adjustment, App. D.C., 483 A.2d 687 (1984)



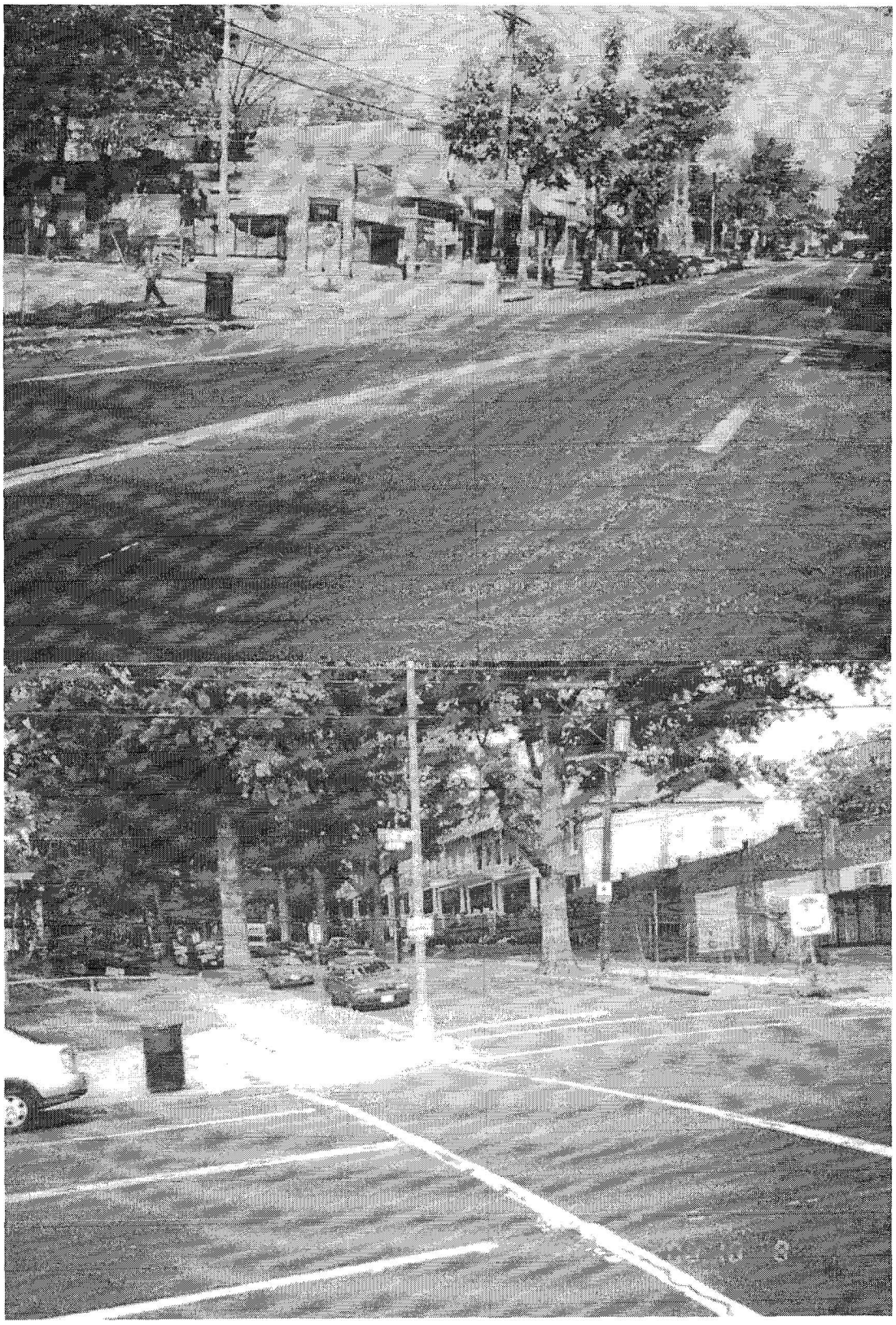
N
W E
S

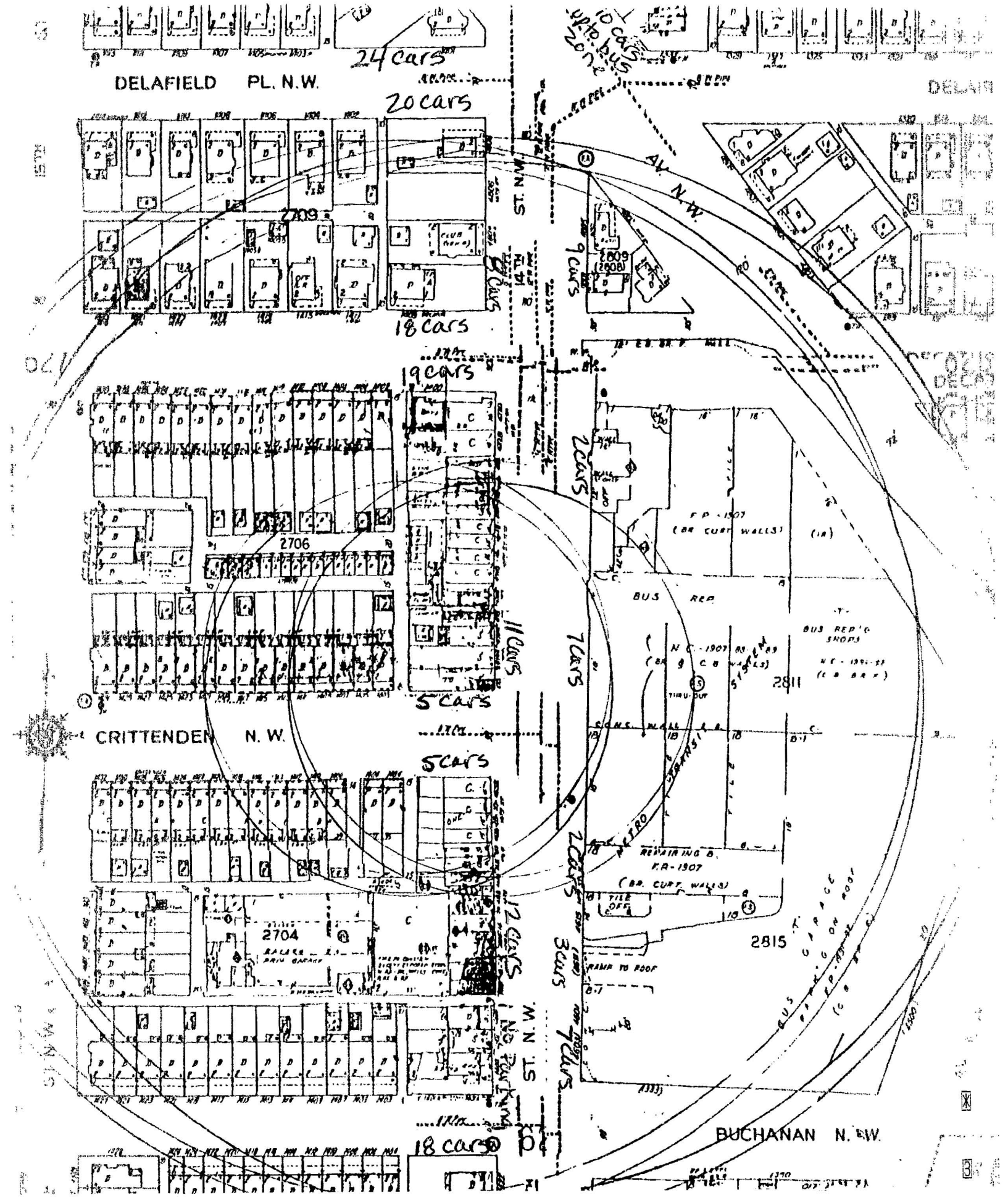
500 0 500 1000 1500 2000 Feet

Location Map

Attachment 1
BZA Case No. 16632
Medhane Alem Eritrean Orthodox Church
November 20, 2000

Attachment 2 – Photographs




DELAFIELD PL. N.W.
24 cars
20 cars
10 cars up to bus
2709
18 cars
19 cars
2706
11 cars
5 cars
CRITTENDEN N. W.
5 cars
2704
12 cars
18 cars
14TH ST. N.W.
AV. N.W.
9 cars
2609
(2608)
2 cars
7 cars
2811
3 cars
2815
7 cars
BUCHANAN N.W.
BUS REP.
BUS REP'G SHOPS
F.P.-1907
(BR CURT WALLS)
(1A)
N.C.-1907
RAMP TO ROOF
FIRE OFF.
REPAIRING B.
F.P.-1907
(BR. CURT. WALLS)
THRU-OUT
DELAN