GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: December 27, 2000

SUBJECT: Waiver of Rules for Late Submittal of a Report concerning BZA Application 16644 requesting a variance from the side yard requirement on a property located at 4605 Massachusetts Avenue, N.W.

The attached report, concerning a request from the Arabic Baptist Church for a variance from the side yard requirement under Section 405.9 pursuant to Section 3103.2 of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, in order to construct additions to an existing church, is being submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16644
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16644
EXHIBIT NO.24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: December 22, 2000

SUBJECT: BZA Application 16644

APPLICATION
This application submitted by the Arabic Baptist Church requires a variance from Section 405.9 pursuant to Section 3103.2 of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the side yard variance required for the proposed expansion as delineated in the site plan entitled "Existing and Proposed Site Plans – Arabic Baptist Church" by Robert P. Dunning and dated July 24, 2000.

SITE AND AREA DESCRIPTION
The subject property at 4605 Massachusetts Avenue, N.W., is developed with an existing two-story masonry building with a basement, and a total floor area of 3,564 square feet (excluding the basement). The building has been in continuous use as a church since the Certificate of Occupancy was issued in 1967. The irregularly shaped lot has an area of approximately 5,608 square feet. North of this property is a public alley sixteen feet wide. The paved area on the lot next to alley appears large enough to park six to seven vehicles.

Properties to the east and west along Massachusetts Avenue, N.W., are developed with the Fifth Church of Christian Science, and two-story masonry single-family dwellings, respectively. It should be noted that the front facades and porches of these dwellings are much closer to Massachusetts Avenue, N.W., than the church facade. The property is also located in the American University Park neighborhood

APPLICANT'S PROPOSAL

The Arabic Baptist Church proposed to extend the front façade south approximately 19.5' closer to the front property line. Expansion would provide space for:

- a ~~nursery~~ sunday school classroom and handicapped-accessible restroom in the basement;
- a pastor study, restrooms and a bookstore on the first floor;
- an expanded sanctuary on the second floor; and
- a new stairwell for all three levels.

The east side of the building would be extended approximately seven feet to provide a basement-level storage space, and an elevator equipment room and a shaft for an elevator to serve the first and second floors. East side improvements will be in line with (and under) an existing exterior stairwell.

In a letter dated August 28, 2000, submitted to Board of Zoning Appeals (BZA) on behalf of the church, Brian McClosky included the following reasons to justify granting this request:

- The church requires this addition to accommodate their growth and their desire to provide an accessible worship area to the community.
- The proposed addition will encroach into the required eight-foot side yard setback due to the angled boundary in the southwest corner of the property.
- Without the requested area variance, the property cannot adequately provide for the much-needed addition.

The applicant provided a site plan, architectural plans and building elevations with this application.

EXISTING ZONING AND RELIEF REQUESTED

The existing zoning is R-1-B. Section 201.1 (b) lists a "church or other place of worship, but not including rescue mission or temporary revival tent" as permitted by right in the R-1 zoning district. Therefore, the existing and proposed use is a conforming use.

This subject property at 4506 Massachusetts Avenue, N.W., (lot #62) has an irregular shape. The property is sixty feet wide from the rear property line and alley, south (toward the front) for a distance of approximately 73'. At this point, the eastern property boundary continues south at an angle, gradually narrowing the lot width to approximately 34' along the front property line and Massachusetts Avenue, N.W.

According to District Surveyor records, the subject property previously consisted of record lots #9, 10 & 11. In 1965, tax parcel #863 was created along Massachusetts Avenue, N.W. Tax parcels may overlay entire record lots or portions thereof, however all the property within tax parcel boundaries must be in common ownership. Tax parcel #863 included adjacent lots #7 & 8, portions of lots #3-6, and the southeast corners of subject lots #9 & 10. Real property records

indicate that the U.S. Government owns all the property underlying this tax parcel. OP staff was unable to determine why this tax parcel was created.

Record lot #11 and remaining portions of lots #9 & 10 became tax parcel #859, and these parcels were consolidated to create record lot #62 in June, 1966. Angled portions of lots #9 & 10 along the Massachusetts Avenue, N.W., were not included because they were no longer under the same ownership and were included in tax parcel #863.

Section 199.1 includes the following definition:

> "Yard, side – a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure."

The existing and required yards are shown below:

Yard	Requirement	Existing
Front	0'	21'
Side	8'	8' (west)
		8'-16' (east)
Rear	25'	25'

According to the signed plat dated August 18, 1966, the original church building "complies with requirements of Zoning Regulations" (please refer to Exhibit 1). Note that the side yard dimension was measured perpendicular to the building (or parallel to the street). By this method, the side yard on the east side of the building meets or exceeds the minimum requirement.

The proposed new building would extend further south to the (angled) side property line and to within two feet of the front property line. Most of the proposed elevator shaft would also encroach into the required side yard.

Section 2101.1 also includes the following parking requirement:

> "churches: ... 1 space for each 10 seats of occupancy capacity in the main sanctuary: Provided, that where the seats are not fixed, each 7 ft.^{2} usable for seating or each 18 in. of bench if benches are provided shall be considered 1 seat."

Although the 1970 Certificate of Occupancy did not indicate sanctuary seating capacity or the number of required parking spaces, OP staff thinks that the existing on-site parking should be associated with capacity of the existing sanctuary. Therefore, expanding the sanctuary will require additional parking in accordance with the referenced zoning regulation.

Based on this information, it has been determined that:

- Proposed additions on the south (front) and east will encroach into the required side yard due to the usual angle of the eastern property boundary.
- Additional parking spaces may be required for the expanded sanctuary.

ANALYSIS
The applicant's proposal is subject to the following provisions of the Zoning Regulations:

The expanded building elevations to the south and east would be less than the required eight feet from the east side property line. Therefore, a variance is needed from this regulation.

Section 3103.2 grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

Compliance with Section 3103.2:
Desired relief from Section 405.9 requires an area variance, and area variances must meet the standard of "peculiar and extraordinary practical difficulty".

The shape of this lot creates a very unusual situation. The applicant can extend the building to the front property line because there is no front yard requirement. However, because of the angled boundary on the east side, expansion in line with the east wall encroaches into the required side yard. Expansion that respects this yard requirement would create interior spaces of limited usefulness.

The elevator shaft on the east wall would also encroach due to this angled boundary. The proposed location takes advantage of an existing continuous window opening between the first and second floors. The elevator would be immediately accessible to persons from the first floor lobby, and passengers would exit the second floor at the rear of the sanctuary, the preferred location. The elevator could be located along the rear wall, however it would then encroach into the required rear yard.

Extending the building further south would also make the front façade more consistent with the adjacent residences.

Based on this information, the inability to expand the building as proposed, due to the angled boundary, presents an "exceptional or extraordinary practical difficulty". Therefore, the required

variances could be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

Section 2101.1 requires one parking space for each ten seats in a church use. The applicant indicated that sanctuary seating would increase by a maximum of thirty seats as a result of this addition. This would result in a requirement for three additional on-site parking spaces. Since there does not appear to be space for additional on-site parking, the applicant may require relief from this requirement.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates the general surrounding area for low density residential uses, with single-family detached and semi-detached as the predominant uses.

In Title II, Urban Design Element, the Plan encourages appropriate architectural design. Section 710.1 states "The areas of strong architectural character objectives are to protect areas of strong architectural character and to provide that the architectural of any new development in these areas be complementary to the existing architectural character."

Policies established in support of strong architectural objectives include:

> "Respect the boundaries of areas having strong architectural character, both to preserve the continuity of these areas and to prevent inappropriate encroachment; ..."

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 3E was notified about this application. No comments have been received.

AGENCY COMMENTS

This proposal was sent to the Department of Public Works, Department of Consumer & Regulatory Affairs and District of Columbia Fire Department for review. No comments were received. Because of the age of this building, the Historic Preservation Review Board (HPRB) was also contacted. HPRB staff indicated that this property is not subject to Board review.

RECOMMENDATION

The Office of Planning supports the side yard variance needed for the proposed addition. The proposed building expansion would extend the building to the side property line along the angled boundary, reducing the side yard setback to zero. However, OP staff would not recommend a zero side yard setback along the entire eastern boundary. The recommendation is specifically for approval of the minimum variance required to for the proposed expansion as submitted by the applicant. Any additional encroachment should be subject to further BZA review.

Attachment: Exhibit 1 – District of Columbia Surveyor Plat for Building Permit of Lot #859 dated February 21, 1966 (revised with building footprint, noted as meeting Zoning Regulations, signed and dated August 18, 1966)

AA/afj

DISTRICT OF COLUMBIA

Exhibit 1

Washington, D. C., Aug-21, 1966

Plat for Building Permit of Lot-852
SC-11556

Scale: 1 inch = 20 feet Recorded in Book 342 page

S. O. 94303

Furnished to Linus K. Ezunifila

R. C. Hoyle
Surveyor, District of Columbia.

Per C. E. Ross

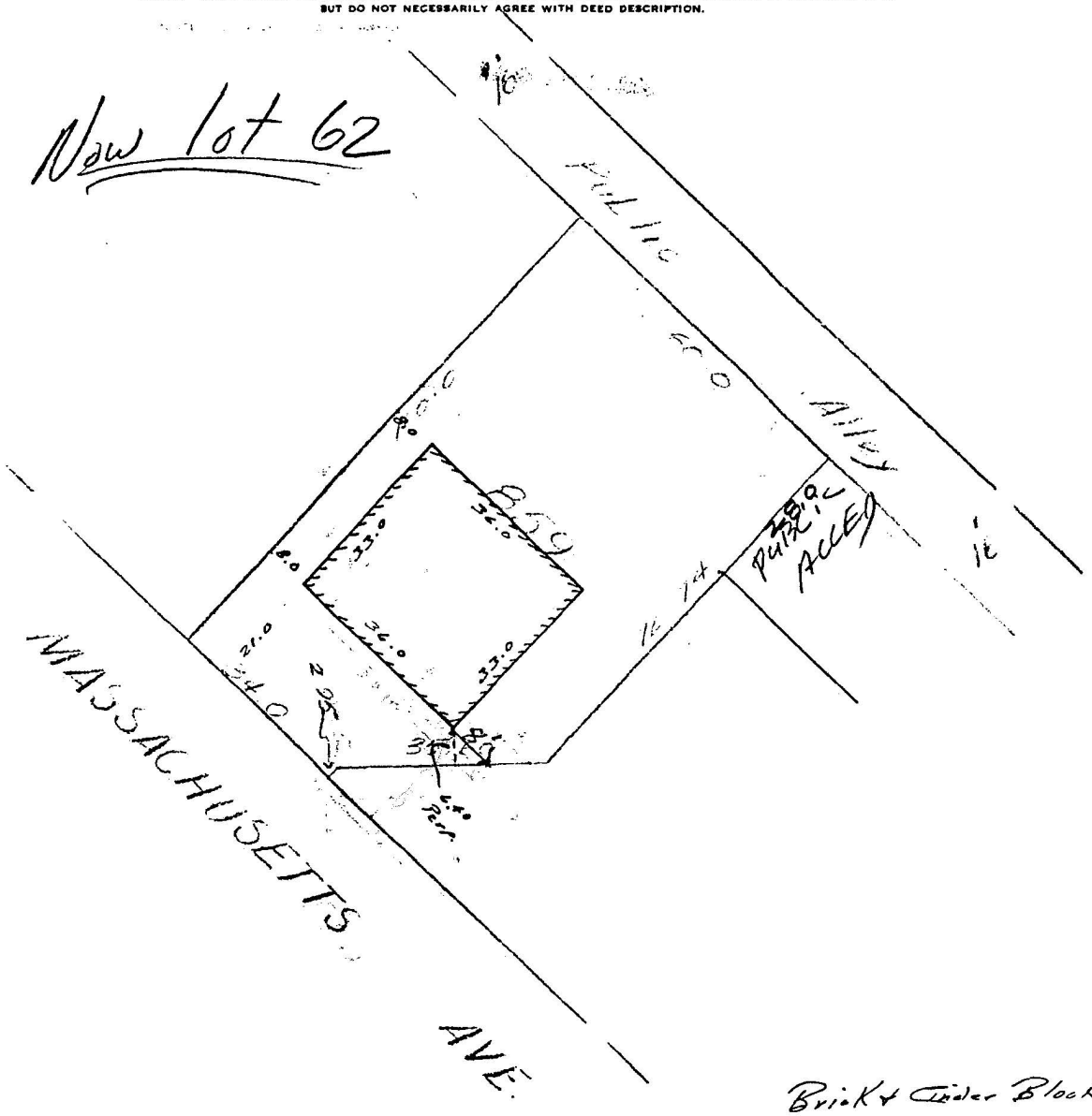
C-8

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plan as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property).

Date _____

_____
(Signature of owner or his authorized agent)

NOTE: DATA SHOWN ON ASSESSMENT AND TAXATION LOTS OR PARCELS ARE PER RECORDS OF ASSESSOR, D. C. BUT DO NOT NECESSARILY AGREE WITH DEED DESCRIPTION.



Brick & Cinder Block
Corners Located.

COMPLIES WITH REQUIREMENT OF ZONING REGULATIONS Initial

AUG 18 1966