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 27, 2000

BZA
Case No. 16650
Exhibit No. 24

SUBJECT: BZA Application 16650

APPLICATION
This application was submitted by the Southwest Church of Christ requesting a temporary special exception for a community service center under Section 334.1 and pursuant to Section 3103.2 of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends conditional approval of the requested special exception for a period of three years, subject to renewal by the Board of Zoning Adjustment (BZA).

SITE AND AREA DESCRIPTION
The subject property at 1305-1307 Irving Street, N.W., is developed with two three-story masonry row house buildings with no on-site parking. Both buildings share interior doorways and are located on one record lot. To the north are the back yards of row houses fronting 13th Street, N.W. Immediately east is a record lot developed with a three-story masonry row house (1303 Irving Street, N.W.) and the Southwest Baptist Church at the corner of Irving Street, N.W., and 13th Street, N.W. West of the subject property is an improved alley sixteen feet wide and the masonry row houses beyond.

The Southwest Church of Christ owns both lots between the alley and 13th Street, N.W. These properties are zoned R-4 and located within in the Columbia Heights neighborhood.

The church site is developed with a sanctuary and no parking. The adjacent row house is being used for church offices. Properties are 1305-1307 Irving Street, N.W., currently do not have a principal use. They were previously approved for different uses:

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- On September 29, 1969, the Board of Zoning Adjustment (BZA) issued a Final Order for conditional approval of BZA Application #10168 and a church request to establish a community center use with a caretaker's apartment at 1307 Irving Street, N.W. The Findings of Fact indicated the building was previously used as apartments. The only condition was that the permit would expire after a period of one year, subject to BZA renewal.
- On August 18, 1970, BZA application #10489 was granted to continue the community center use for five years subject to renewal by the BZA. However, a Certificate of Occupancy was not secured before this Final Order was voided.
- Consequently, BZA application #11005 was granted on December 14, 1971, to continue community center use for three years subject to renewal by the BZA (this Order also reinstated BZA Order #10489).
- On April 16, 1975, BZA application #11884 was approved to allow the continuation of the community center use for three more years subject to renewal by the BZA.
- On August 14, 1977, a community center Certificate of Occupancy was issued for 1307 Irving Street, N.W., with an expiration date of June 9, 1978.

Based on this information, 1307 Irving Street, N.W., was authorized for a community center use and apartment for nearly nine years, from September 29, 1969 to June 9, 1978. Later, a Certificate of Occupancy was issued for a community residence facility for 36 persons at 1305-1307 Irving Street, N.W., in 1981. It is unclear when this use ceased operation.

APPLICANT'S PROPOSAL

The applicant proposes to use the existing buildings for a community service center, defined the Zoning Regulations as follows:

> "A community service center ... accommodates organizations created for the purpose of improving the social or economic well being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose..."

As explained in "A Proposal & Plan To Open a Temporary Community Service Center, 1305 & 1307 Irving Street, N.W. ..." dated August 22, 2000, a few members of the church formed the Thirteenth-Irving Development Group with "specific plans for developing and implementing a wholistic approach for bringing about improvements in the Columbia Heights community or areas within four blocks of the (church) ...", and beyond.

In part, the impetus for these efforts came from Parents Striving for Joy, Inc., an organization created by residents of the Columbia Heights Village Apartments located one block south. According to organization documentation , their goal is to provide social, education and recreation services principally for the 700 children that live in the apartments. They would like to establish a full-service non-profit community center with a learning center in the neighborhood and approached the church for support. The proposed temporary community service center use would be the next step toward establishing a permanent facility. This location

is considered temporary because the church expects to sell the subject property within the next three years.

Earlier this year, the applicants applied for a Certificate of Occupancy to establish this use on the subject property. However, in July 2000, the Zoning Administrator informed the applicant that the proposed use requires BZA approval of a special exception (Exhibit 1). The applicant submitted the subject application as a result.

EXISTING ZONING AND RELIEF REQUESTED
The subject property is zoned R-4. Under Section 334 of the Zoning Regulations, a community service center use is permitted in this zoning district with BZA approval of a special exception.

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The requested special exception must also meet these standards listed under Section 334:

"334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.

334.3 No structural changes shall be made except those required by other municipal laws or regulations.

334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

334.5 A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual."

As a change in the existing use (none), the proposed use may be subject to a parking requirement. Since this specific use is not listed under Section 2101.1 of the Zoning Regulations, the applicable requirement is one space for every 600 gross square feet of gross floor area and cellar floor area.

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

Consistency with Section 334
The requested special exception must also meet the following standards:

"334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions."

The subject property is separated from other row houses to the west along the street frontage by the existing alley. The rear yards of these buildings face the rear yards of dwellings along 13th Street, N.W. The applicant indicated that the majority of activities and services would be provided inside the buildings, however the rear patio would be used for outdoor seating in the summer. Based on this information, OP staff does not think the proposed use is likely to become objectionable to neighboring properties.

"334.3 No structural changes shall be made except those required by other municipal laws or regulations."

The applicant indicated that no major interior or exterior changes are planned.

"334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located."

OP staff found the justification of need provided by the applicant to be sufficient.

"334.5 A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual."

In a letter dated December 21, 2000, Larry Bonner indicated on behalf of the Southwest Church of Christ Trustees that the community service center would not be a for-profit use (please refer to Exhibit 2).

Compliance with Section 3104.1
The stated purposes of the organizations requesting to establish the proposed community service center support identified needs of the neighborhood, specifically those of the Columbia Heights Village Apartments. This proposal is similar to uses previously approved for this location by the BZA over a span of nine years. It also meets the requirements under Section 334 of the Zoning Regulations. Therefore OP staff determined the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

Compliance with Section 2101.1:
Section 2101.1 requires one parking space for every 600 square feet of gross floor area and cellar floor area. Since there is no parking either on this site or the adjacent church property, and no parking is proposed, the applicant may require relief from this requirement. However, since the proposed use is designed to serve very localized needs, OP feels that such relief could be granted with no detriment to the neighboring property owners.

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 dwellings as the predominant uses. The stated intent of the proposed community service center is to serve the surrounding residential uses.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 1A was notified about this application. No written 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.

RECOMMENDATION
The Office of Planning recommends approval of the requested special exception. Consistent with the original request, this approval should be conditioned for a period of three years, subject to renewal by the BZA.

Attachment: Exhibit 1 - Letter from Michael D. Johnson, Zoning Administrator to Larry Bonner dated July 28, 2000
Exhibit 2 – Letter from Larry Bonner to Jerrily R. Kress, Board of Zoning Adjustment, dated December 21, 2000

AA/afj

Exhibit 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

'00 SEP 22 P2:59

July 28, 2000

Larry Bonner
Southwest Church of Christ, Inc.
1303 Irving Street, N.W.
Washington, D.C. 20010

Re: Denial Letter - 1305-1307 Irving St., N.W.
Square: 2848 Lot(s): 69
(First thru Third Floors)
Zoned: R-4

Dear Mr. Bonner:

Your certificate of occupancy application #801094 filed to use the subject premises as a "Community Service Center" is disapproved due to the need for Board of Zoning Adjustment approval.

You will be required to obtain a special exception under the provisions of DCMR Title 11, Section 334.1 to establish your use in the R-4 Zone.

The Board of Zoning Adjustment has authority to grant special exception under provisions of DCMR Title 11, Section 3103.2.

This letter must be presented to the Office of the Board of Zoning Adjustment, Room 210, 441 4th Street, N.W., when filing for the hearing. If your request is granted, a new certificate of occupancy application must be filed.

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Sincerely,

Michael D. Johnson
Zoning Administrator

MDJ/TB/ee

Exhibit 2

SOUTHWEST CHURCH OF CHRIST INC.

December 21, 2000

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

Dear Mr. Kress:

In response to BZA Application No. 156650, to establish a Community Service Center, at 1305 & 1307 Irving Street. (Square 2848, Lot 69)

The Board of Trustees for the Southwest Church of Christ, Inc do certify and affirm, that the desire to open this center will not result in any member of the Board of Trustees, receiving any profits from its operation. The center will be for the sole purpose of providing needed services to the community as defined in our application.

As a 501 (3) (c) religious organization, we will adhere to our legal mandate to operate as a non-profit organization, an no profits will be received from the opening of this center. To repeat ;;no member of the Board of Trustees will receive profits from its operation.

Thanking you in advance for your consideration of this request. Looking forward to the hearing on January 9th, 2000.

Larry Bonner, Chairperson
The Board of Trustees for the Southwest Church of Christ

1303 Irving Street, N.W. Suite 200 - Washington, DC 20010-2408
Office 202-332-7399 - Fax 202-667-4930