GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman

DATE: September 11, 2001

SUBJECT: BZA Case # 16742 Use Variance Request

APPLICATION-IN-BRIEF

Applicant: "Vesture of Atonement Episcopal Church"
5073 East Capitol Street, S.E.
Square 5286, Lot 80

Relief Sough: Pursuant to 11 DCMR 2101.1, the applicant is requesting an area variance from the rear yard requirements, for a structure located on corner lots in the R-2 Zoned District.

From Section: 11 DCMR 2001.3 A, B, C and 404

Relief Sought Under: Subsection 3103.2

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the requested variance to the required rear yard setback be approved.

It is unclear from the information provided by the applicant why it is necessary to seek a variance request to §2001.3. The existing church appears to be a conforming structure in the R-2 zoned district. Accordingly, only the proposed new addition should be subject of the variance request, because of a need for relief from the rear yard set back. The Office of Planning discussed this position with the Zoning Administrator's office, and they concurred.

BZA
Case No. 16742
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16742
EXHIBIT NO.25

Applicant's Justification:

The applicant is seeking Board approval to construct an elevator in the "Vesture of Atonement Episcopal Church," in order to improve the physical circulation and make the entire church accessible to both the ambulatory and the physically handicapped.

SITE AND AREA DESCRIPTION

The subject premise is in the Capitol View neighborhood of Ward 7. Blaine Street, N.E., generally bounds the neighborhood to the north, Southern Avenue to the east, Central Avenue to the south and 49th Street to the west. The premise consumes all of Lot 80, which is on Square 5286.

The subject property is at the southeast intersection of 52nd & East Capitol Streets, S.E. The site is developed with two (2) three-story adjoining buildings. One of the buildings houses the main sanctuary and chapel for the church, on the street level and a multi-purpose room and a kitchen on the basement level. The other building is primarily used for administrative purposes. The Atonement Episcopal Church congregation has been at the subject site since the early1950's, a timeframe, which pre-dates the Zoning Act of 1958.

AREA ZONING

The subject premise is in the R-2 zoned district. The R-2 district consists of those areas that have been developed with one-family, semi-detached dwellings, and is designated to protect such areas from invasion by denser types of residential development. The R-2 zoned district consumes most of the land area in the Capitol View neighborhood. The R-5-A zoned district is another residential zone district in proximity to the Capitol View neighborhood, which consumes large amount of land area. R-5-A district cover large areas to the north, east and south of the subject area. There are two small neighborhood retail support areas in the Capitol View neighborhood zoned C-1, which provide retail services for residents. One of the retail centers is one block east of the subject premise, at 53rd & East Capitol Streets. The other center is approximately seven blocks northeast of the subject premise, at the intersection of Central & Southern Avenues. There are two major commercial centers, which serves the subject area. Both of these areas are zoned C-3-A. One of these areas is at the intersection of Benning Road and East Capitol Street. The other C-3-A district is at the intersection of Benning Road and Minnesota Avenue, N.E.

APPLICANT'S PROPOSAL

The applicant, The Atonement Episcopal Church, is requesting an area variance from the Board of Zoning Adjustment, pursuant to §3101.2 of DCMR Title 11, to construct an

elevator in the church. The elevator is needed in order to improve the physical circulation and make the entire church accessible to both the ambulatory and the physically handicapped.

The church physical plants consist of two (2) three-story adjoining buildings. The original building (which fronts on East Capitol Street) contains the main sanctuary and a chapel on the street level and a multi-purpose room on the basement level. The second building, which is adjacent to the north/south public alley between 52nd Street and Central Avenue, is used for administrative purposes. When the second building was planned and designed, not enough attention was given to access and circulation. As a result, much of the structure is not accessible to physically handicapped worshipers. In order to correct this situation, the church desires to make interior changes, including constructing an elevator to improve access to the facility for the congregation.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartments are the predominant uses in this category. Moderate density houses consume most of the developed land in the northern portion of Ward 7. There is a cluster of soundly established and well maintained, low density single-family detached housing units northwest of the subject site. These units are generally between Brooks Street and Central Avenue and between 46th Street and Division Avenue.

The area at the intersection of Benning Road and East Capitol Street is designated as being in the Moderate Density Commercial Land Use Category. Shopping and service areas that generally provide a broader range of goods and services are the predominant uses in this land use category. The East River Park Shopping Center, located at the northeast intersection of Minnesota Avenue and Benning Road and the property on the east side of Minnesota Avenue, north of Benning Road are designated as being in the Mixed Use Land Use Category. Combinations of land use categogies are depicted in areas where a variety of uses are to be encouraged. Mixed-use areas include existing commercial areas and areas proposed for significant land use changes.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 2001.3 A, B, C and 404, the applicant is requesting an area variance from the rear yard requirements, in order to construct an elevator in the subject church.

Section 2001.3 - NONCONFORMING STRUCTURES DEVOTED TO CONFORMING USES

It is unclear why the applicant has also included a variance request to §2001.3. No evidence of the church being currently non-conforming has been provided by the applicant or through conversations with the Zoning Administrator's office.

AUTHORITY TO GRANT VARIANCE

11 DCMR §3103.2 is the D.C.Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested variance.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary situation or condition?

Yes. The subject lot is not a square or a rectangle, but it is in the shape of a trapezium, with no two sides being parallel. Additionally, the premise fronts on two (2) streets, at their junction, (East Capitol & 52nd Streets) forming a corner lot.

The Zoning Administrator's office interprets a corner lot to have the potential for two rear yards, one parallel to each street. In such a case, they report that the yard that is the most compliant with the Code requirements is determined to be the rear yard. In this case, that is the yard parallel to 52nd Street, because it currently has a 22-foot setback (20 feet is the minimum rear yard requirement). The yard parallel to East Capitol Street is determined to be a side yard and is compliant with the minimum side yard requirement of 8-feet (it has an existing 15-foot setback). This corner situation and Zoning Administrator's interpretation results in a reduction in the original buildable area of the lot by classifying what was considered at the time of original construction, a side yard to now be a rear yard. This reduces the usable width of the lot by 12 feet.

What makes it difficult for the owner to build on the property in compliance with the Zoning Regulations?

It would be difficult for the owner to build on the property in compliance with the Zoning Regulations, because the subject church was constructed in the early 1950s, prior to the adoption of the Zoning Act of 1958, when the current rear yard standards were not applicable. At that time, the church was built with the rear yard adjacent to the east/west public alley and the side yard being parallel to 52nd Street. The current determination of the rear yard narrows the buildable area of the lot by 12 feet. Additionally, the subject lot is in the shape of a trapezium, and it would be

difficult to construct a regular shaped building on the front of the property within this irregular shape.

When the applicant considered areas of the site where a new addition could be located, the selected area (west side of the building) was the only area that could: 1) accommodate the 15 feet new addition for the elevator and other amenities to be built; and 2) be situated on the structure in alignment with the existing interior space in a manner that provided the necessary handicap access.

The proposed location of the addition and elevator is in alignment with the existing sanctuary and chapel spaces. To place the addition elsewhere on the lot would not achieve the necessary goals of providing the handicap access to the church spaces. The other area of the building is reported to be mostly administrative offices and would not provide access to the sanctuary or other meeting spaces.

Will the granting of the application cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

The granting of the application will not cause substantial detriment to the public good and if granted, the requested variance will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Atonement Episcopal Church has been a fixture in the Capitol View community since the early 1950s. In addition to its normal schedule of church worship services, the church sponsor a number of community outreach programs, such as providing community meeting space for civic groups and senior citizens' weekly meetings, operating an Alcohol Anonymous program, and sponsoring a youth outreach program.

The addition will maintain an 8-foot setback from the western property line. If it were not for the corner lot situation of the property, the western yard would be considered a side yard and not a rear yard. The side yard requirement for this property would then have been 8-feet and the proposed addition permitted.

Approval of the variance would allow the church to provide needed handicap access to the meeting spaces and bring the building into compliance with ADA standards. The variance will not change the use of the building nor will it infringe on the light, air or enjoyment of neighboring properties.

COMMENT COMMENTS

Advisory Neighborhood Commission (ANC) 7E forwarded a letter to the Director of the Office of Zoning, dated 8/8/01, seeking a postponement of the BZA hearing scheduled for September 11, 2001. The ANC cited lack of notification as the reason for the postponement request. In the letter, the ANC requested time to present the project to the community at its next monthly meeting, scheduled for September 11, 2001.

According to the Office of Zoning official record of notification was mailed to ANC 7E on July 26, 2001. OZ has no record (as of 8/28/01) that the notice was not received.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by the Atonement Episcopal Church for an area variance from the rear yard requirements for a structure located on a corner lot in the R-2 Zone District, the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the applicant has satisfactory met the tests for a variance and the Office of Planning believes that if the Board votes to approve the application, it will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

It is unclear from the information provided why the applicant has also included a variance request to §2001.3. No evidence of the church being currently non-conforming has been provided by the applicant or through conversations with the Zoning Administrator's office.

AA/jm