GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

D.C. OFFICE OF ZONING
RECEIVED
2002 JUN 18 AM 9:33

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: June 18, 2002

SUBJECT: BZA Application #16885 (New Jerusalem Spiritual Baptist Church)
5533 Illinois Avenue, N.W. (Square 2992, Lot 85)

APPLICATION

The application by New Jerusalem Spiritual Baptist Church requests, pursuant to 11 DCMR §3103.2, an area variance from the parking requirements for a church under §2101.

PROPOSAL

The applicant proposes to operate a church on the subject property without providing on site parking.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the variance from the church parking requirements requested be **APPROVED**.

SITE AND AREA DESCRIPTION

The subject property is located at 5533 Illinois Avenue, N.W. (Square 2992, Lot 85). Lot 85 houses a 2-story building with apartments on the upper floor and 3-retail uses and the church on the lower floor. At the corner of Illinois Avenue and Longfellow Street is the two-story, Igelesia De Dios church. Further south of the subject property are other retail uses, a doctor's office, and an apartment building. The wider community is composed of a mixture of large and small retail uses, offices, apartments, and row-houses.

BZA
Case No. 16885
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16885
EXHIBIT NO.25

ZONING REQUIREMENTS

The subject site is zoned C-2-A and a church is a permitted use in this zone. The C-2-A District is for community business center use at a low to moderate density.

ANALYSIS

The subject property is developed with a 2-story building that has apartments on the upper floor and 3 retail uses and the church on the bottom floor. The building occupies a large portion of the property with only space four parking spaces in the rear. To the rear of the property is a 15-foot wide alley. The church is currently in operation and has Sunday school from 9:30 am-11:00 am and Sunday service from 11:00 am- 3:00 pm. Services are also held on Wednesday from 12 noon-2:00 pm and 8:00 pm-10:00 pm.

The church's congregation is very small, approximately 20 persons, and therefore it does not generate demand for a large number of parking spaces. Unrestricted parking is allowed along Illinois Avenue, Georgia Avenue, Kennedy Street, and Longfellow Street on Sundays and Wednesday evenings when the church is in operation. Two hour parking is allowed along one side of Illinois Avenue and unrestricted parking on the other side when the church is in operation in the daytime on Wednesdays. Because many of the small businesses are closed on Sundays, on-street parking is more available. Additionally, many of the members are elderly and their relatives take them to and from church and therefore they do not require parking spaces. Further, some members carpool to the church.

As per §2101 of the Zoning Regulations, the applicant is required to provide 11 parking spaces for its congregation. Due to lot occupancy of the building, the applicant is unable to provide the required parking on-site. The applicant is unable to use the spaces to the rear of the building. The Zoning Administrator therefore instructed the applicant to seek a variance from the required spaces. Although there is available on-street parking in this neighborhood to serve the congregation, the applicant has contracted for additional off-site parking.

The Rite Aid Pharmacy, located to the north of the site, has 47 spaces and will allow members of the church to park on their property on Sundays between 11:00 am and 3:00 pm. Unique Auto Salon, located southwest of the site, can accommodate a number of vehicles, and New Concept Realty Service, Inc., located southwest of the site, has agreed to accommodate 4 vehicles.

Section 3101.2

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The subject property currently has a building that occupies a majority of the property. Additionally, the 4 parking spaces on the subject property have been assigned to the residents and other businesses. This

presents an exceptional situation to the applicant, as the requirement could only be met by demolishing the building.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

The requirement to provide 11 parking spaces on the subject property is physically impossible without demolishing the whole or part of the existing building. This presents an exceptional practical difficulty to the applicant and parking will have to be located off-site.

The variance 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.

The congregation is very small and so will not generate a need for many parking spaces that could overwhelm the community. Even though there is another church nearby, members are currently able to readily find on-street parking. In order to anticipate any conflicts that may arise in the future, and to minimize the impact of the variance, the applicant has contracted with three neighborhood businesses to share their parking spaces. Two of the businesses are closed on Sundays when the church is in operation the longest, and are closed at the time of the Wednesday evening service. Additionally, on Wednesday, services are less attended than on Sundays. Although the Rite Aid Pharmacy operates at the times when the church is in operation, it is not a period when the pharmacy is at it busiest and there are always available parking spaces.

By making these alternate parking arrangements, the operation of the church will not be a "substantial detriment to the public good" as it will not affect other businesses or residents in the community. The intent and purpose of the Zoning regulations and Map will not be compromised as this is a permitted use and although the applicant is seeking a variance he has made arrangements to provide parking off site at other locations.

COMMUNITY COMMENTS

The subject property is within ANC-4D. At the time of this report, the ANC had not reviewed this application. The review is scheduled for June 18, 2002

SUMMARY AND RECOMMENDATION

The proposed variance meets the provisions of Section 3103.2 of the Zoning Ordinance for granting a variance. The "exceptional situation" of the site is demonstrated through the fact that the lot occupancy and other uses on the site prohibit expansion of the parking area on the property. Further, it presents a practical difficulty if the applicant were to meet this requirement. Approval of this variance request will not cause any "substantial detriment to the public good" and "will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations or Map". The Office of

Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the variance from the parking requirements.

ATT: Attachment 1 – Aerial Photograph
Attachment 2 – Off-site Parking Permits

AA/mbr



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. #16885
New Jerusalem Baptist Church

DC Office of Planning
June 17, 2002

Scale 1:1422

25 0 25 50 75 100 Feet

Attachment 1



RITE AID

PHAMARCY

5600 Georgia Ave.

Washington D.C. 20011



June 6th 2002

(202) 722-5251

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF ADJUDICATION
P.O. BOX37140
Washington District of Columbia.

Dear Sir/ Madam.

I have known the Reverend Martin E Murray at lease three years. He is a very outstanding Pastor. My store is 1/4 of a block away from His church, New Jerusalem Spiritual Baptist Church

He needs parking spaces for his members to park on sundays. There are 47 parking spaces on the store premices, due to the outstanding job his church is doing in this community. I gave him and his members permission to park on my parking lots from 11.00A.M to 3.00P.M on Sundays.

Thank You
Sincerely

Devon Gaylor
Store Manager
(2020) 722-5251

NEW CONCEPT REALTY SERVICES, INC.
1200 Kennedy Street, N.W.
Washington, D.C. 20011
202 726 0350

March 29, 2002

Government of the District of Columbia
Department of Consumer and Regulatory Affairs
Office of Adjudication
P. O. Box 37140
Washington, DC

Dear Sir/Madam:

I have known Pastor Martin E. Murray for several years. He is a fine and upstanding Pastor, and a blessing to this community.

He has mentioned to me on numerous occasions that due to obstructions in the back of the property, he and his members are unable to park their vehicles for Sunday Worship. He is deeply concerned that due to this inconvenience, in time, some members may not attend Worship on a regular basis.

My business, New Concept Realty, is a half a block away from Pastor Murray's church. I am located at 1200 Kennedy Street, NW, and have ample parking in the rear of my building. Pastor Murray and his members are more than welcome to use this space for Sunday Worship.

If you have any questions or concerns, please feel free to contact me at any time at the above number.

Thank you for your consideration.

Sincerely,

Francis Ayodeji

Francis Ayodeji
Broker, New Concept Realty Services, Inc.

Unique Auto Salon



1201 Kennedy Street., NW
Washington, DC 20011

June 5, 2002

New Jerusalem Baptist Church
5533 Illinois Ave., NW
Washington, DC 20011

To Whom It May Concern:

This is to serve as written notification that the members of New Jerusalem Baptist Church, located at the above address are permitted to use the parking facilities of Unique Auto Salon. Parking will be available for Sunday morning and evening services. If you have any questions or comments regarding this matter, please contact Earl L. Wilbanks.

Sincerely,

Earl L. Wilbanks, Owner
(202) 723-3112