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:** April 19, 2002

**SUBJECT:** Board of Zoning Adjustment Case No. 16917
Pilgrim A.M.E. Church
1671 Gales Street, N.E.
Square 4540 Lot 191

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The attached report concerning the above referenced case 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. 16917
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16917
EXHIBIT NO.28

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

# MEMORANDUM

DATE: September 12, 2002

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. 16917
Pilgrim A.M.E. Church
1671 Gales Street, N.E.
Square 4540 Lot 191

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## SUMMARY

The applicant, Pilgrim A.M.E. Church, the owner of the subject property seeks approval of a special exception for a church program under §216 and two variances, one from the off-street parking requirements under §2101 and a second, from the use requirements of §216.3, which requires a church program to be carried on within an existing church building. The existing structure at 1671 Gales Street, NE was formerly a non-conforming grocery store in the R-4 zone. The applicant proposes interior renovation and construction that will provide a multi-purpose building for its religious and community ministries.

**Recommendation:**
The Office of Planning recommends approval of the special exception under §216 and approval of the variances from §§2101 and 216.3.

## Area Description

The subject property is located at the end of a set of rowhouses along Gales Street, NE at the intersection of 17th Street, NE (Square 4540, Lot 191) and is occupied by a two-story structure that was used as a grocery store for the past 50 years. The lot contains 910 square feet and is rectangular with a width of 14 feet and a depth of 65 feet. The rear of

the property abuts a 10-foot wide public alley. Across the alley is a similar set of rowhouses facing on Kramer Street, NE. Across 17th Street is an elementary school and across Gales Street is a set of rowhouses.

The principal Pilgrim A.M.E. Church building is located one block south along 17th Street at the corner of 17th and Rosedale Street, NE. North, up 17th Street half a block and across the street is the parking lot for Peace Baptist Church. The area is characterized by rowhouses and institutional uses and is just south of the Benning Road commercial corridor and the Hechinger Mall.

## Project Description

Pilgrim A.M.E. Church proposes to convert the existing structure at 1671 Gales Street, NE to a church program use. The programs proposed are:

1. Church ministry counseling;
2. Church-related meetings, conferences, and seminars;
3. Bible study;
4. Job placement counseling;
5. Youth ministry activities;
6. Community-oriented forums; and
7. Single-day health and well-being forums and events, such as blood drives, blood pressure checks, and glaucoma screening.

The programs will serve the Rosedale community as well as church members. The applicant states that staff of the church program will not exceed 25% of the volunteers serving at the center. The existing two-story structure will be preserved and renovated to develop two offices, several small meeting rooms and a small conference room.

## Comprehensive Plan

The subject site is designated Moderate Density Residential on the General Land Use Map. The moderate density residential land use category includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing. The Comprehensive Plan sets goals of stabilizing and improving churches that contribute to the character of the neighborhood and add to the livability of the community (Comprehensive Plan Section 102.3). Such development should be encouraged if adverse impacts are minimized:

1104.1 The policies established in support of the residential neighborhoods objectives are as follows:

(k) Control the external negative impact of new non-residential uses that are permitted in residential areas to provide sufficient parking, loading areas, pick-up and drop-off access consistent with the activity level of the non-residential uses. With respect to permitted, non-residential uses,

including schools, hospitals, churches, and clinics, this policy is designed to reduce the possible adverse impact of the non-residential uses on the residential area

This development is not inconsistent with these goals as the church has adequate space for drop-off on Gales Street and flexibility to arrange for additional parking in the Peace Baptist Church parking lot, which has 45 regular spaces and 25 stacked spaces.

## Zoning

The subject property is in the R-4 zone. The R-4 District's primary purpose is to stabilize existing residential neighborhoods that have primarily been developed with row dwellings. Church programs are permitted in the R-4 zone with a special exception under the requirements of §216. Section §216 states:

## Special Exception Analysis

**Conditions of §216**

216.1 **Use for a program conducted by a church congregation or group of churches shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.**

The proposed program will be conducted by Pilgrim A.M.E. Church.

**216.2 The church program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.**

The church does not intend to run its programs for profit, but intends them to promote the social welfare of the community.

**216.3 The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).**

The applicant requests a variance from §216.3 above, as the proposed church program will not be conducted within the existing church building, but will be located in very close proximity to the church. In the alternative, the applicant requests a variance from the use provisions of 330.5, which lists the matter-of-right uses in the R-4 zone. The applicant also requests relief from the off-street parking requirements of §2101.1.

**216.4 The staff conducting the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services.**

The applicant states that except for the contract staff that will be responsible for the job placement counseling, the various programs will be conducted by volunteers and that staff will not exceed 25% of all volunteers serving at the center.

**216.5 The operation of the program shall be such that it is not likely to become objectionable in the Residence District because of noise and traffic.**

The activities proposed in the application are not likely to be objectionable because of noise. Traffic is not likely to be objectionable because of the proximity of the church and the neighborhood serving nature of the programs. The proximity of the Benning Road and H Street corridor provides adequate vehicular access to the area. Special arrangements will be made when events are scheduled to permit parking in the Peace Baptist Church parking lot, which contains 45 regular spaces and 25 stacked spaces. It is anticipated that events will not exceed 24 per year. In addition, excess parking is readily available along the frontage of the school across the street after school and on weekends. Commercial areas to the north are also endowed with large amounts of parking.

**216.6 No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds.**

No signs indicating the church programs are proposed, however, the applicant does propose to affix lettering on the building, which will state "Pilgrim A.M.E. Church Multi-Purpose Center". Due to the community serving nature of the facility and the small size of the structure the sign should be small and unobtrusive. The Office of Planning recommends that the proposed sign meet the requirements of §203.5 (b), (c) and (d).

203.5 A sign on a dwelling or building in which a home occupation is practiced shall be permitted, subject to the following conditions:
(a) A person may display one (1) exterior sign on a dwelling or other building in which a home occupation is practiced;
(b) The sign shall not exceed one hundred forty-four square inches (144 in.2) in area;
(c) The sign shall be flush-mounted;
(d) The sign shall not be illuminated;
(e) The sign may state only the name of the practitioner and the type of home occupation;
(f) The practitioner shall not display more than one (1) sign outside a dwelling or building; and
(g) The practitioner shall not display any sign that does not meet the requirements of paragraphs (b) through (e) of this subsection.

## Variance Analysis

**Exceptional Situation and Practical Difficulty**

In accordance with §3103.2, which gives the Board the authority to grant a variance if by reason an exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, a

variance from the strict application so as to relieve the difficulties or hardship may be granted by the BZA.

The applicant, Pilgrim A.M.E. Church, has been in the Rosedale community for over 76 years; the current church site, a block away from the subject site, does not have additional space for expansion of the church's programs. The existing property has been in commercial use for 50 years and the existing structure covers almost the entirety of the lot area.

The applicant lists seven programs that will be conducted in 1671 Gales Street, NE, four of these are necessarily accessory to a church use and would normally be permitted as a matter-of-right in the church building. These include church ministry counseling, church-related meetings, conferences and seminars, bible study and youth ministry activities. The strict interpretation of the zoning regulations does not permit them to extend this accessory use approximately 170' away onto a separate parcel. These accessory uses functionally do not impact the intent or purposes of the zoning regulations.

The remaining three programs, job placement counseling, community-oriented forums, and single day health and well-being forums and events could be permitted as a special exception as church programs on the church site or as a community service center. The purpose of a community service center use is "to accommodate 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 centers for job training, family counseling, consumer cooperatives, and other facilities as are similar in nature and purpose" (§334.1). Again the practical difficulty of providing facilities on the church site leads to the necessity of expanding off-site in a nearby building. However, the strict interpretation of the zoning regulations requiring church programs to be within the existing church building prohibits uses that would normally be permitted by a special exception for a community service center.

The limited open space on the lot due to the existing structure presents a practical difficulty in providing off-street parking for any use of the site.

**Substantial Detriment**

In addition to the above test §3103.2 further requires that the relief requested can be granted, provided that it will no be a substantial detriment to the public good. The applicant has provided an agreement with the Peace Baptist Church to provide three additional parking spaces to support the proposed use of the structure. The proposed programs are within easy walking distance of the existing church and will not generate additional traffic or parking demand for the majority of the programs proposed. The intent of the applicant is to provide more service to the community, which will not be a detriment to the public good.

**Consistent with Zoning**

As discussed above a community service center is permitted in the R-4 with a special exception and churches are allowed as a matter-of-right; therefore, it is consistent with the zoning regulations to permit the uses proposed. Church programs can encompass a more intense range of uses, for example, a soup kitchen; however, the programs proposed under the application are consistent with a community service center or accessory church uses. If use of the structure is limited to the proposed programs, the off-site parking arrangement is maintained and there is a review every three years as required by §216.7, approval of the application will be consistent with the general intent and purpose of the Zoning Regulations and Map.

## Community and ANC

The community and ANC have indicated their support for the application.

## Recommendation

The Office of Planning recommends approval of BZA application 16917 requesting a special exception from the requirements of §216, and variances from the requirements of §216.3 and 2101.1. The Office of Planning notes that §216.7 limits the period of special exception approval for a church program use to three years. The special exception should be conditioned to limit use of the building to the seven uses listed in the application:

1. Church ministry counseling;
2. Church-related meetings, conferences, and seminars;
3. Bible study;
4. Job placement counseling;
5. Youth ministry activities;
6. Community-oriented forums; and
7. Single-day health and well-being forums and events, such as blood drives, blood pressure checks, and glaucoma screening.

In the alternative the Office of Planning, discussed the possibility of Pilgrim A.M.E. Church getting special exception approval for a Community Service Center in accordance with §334.

> **334 COMMUNITY SERVICE CENTERS (R-4)**
>
> 334.1 A community service center to accommodate 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 that may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
>
> 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 shall inure to the benefit of any private shareholder or individual.

The Office of Planning believes the applicant meets the above criteria but the applicant would prefer to have the Church Program Use. If this alternative is chosen, a three-year limit is recommended to allow Board review of the use. This gives the opportunity to further evaluate the impacts of use, particularly regarding the number of special events, parking issues and other operational issues that do not seem to be problematic with the current application.

ATTACHMENTS:

1. Location Map
2. Comprehensive Plan




**Generalized Land Use Key**

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

## Comprehensive Plan Landuse

DC Office of Planning
September 13, 2002

Scale 1:2400

150 0 150300450600 Feet

Attachment 2




Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. #16917

DC Office of Planning
September 12, 2002

Scale 1:2400

25 0 25 50 75 100 Feet

Attachment 1