GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** JLS for Andrew Altman
Director

**DATE** October 17, 2003

**SUBJECT:** BZA Application **17077**
4421 Sheriff Road, N.E. – Eugene Myles **(New Beginnings Church)**

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**APPLICATION**

Relief Sought: Pursuant to 11 DCMR 3103.2, the applicant requested variance relief from §2101.1 which prescribes the number of parking spaces for a church in the C-1 Zone District.

OP has also determined that special exception relief from the parking requirement would also be necessary, since the required parking is proposed off-site at 1027 45th Street, N.E.

**SUMMARY RECOMMENDATION**

The Office of Planning **recommends approval** of the request to grant the New Beginnings Church **variance relief** from the parking requirement, per Section 2101.1 of the Zoning Regulations, which would require 7 on-site parking spaces for the church's operation. OP also recommends approval of a **special exception** to allow more than 50% of the church's parking spaces to be located off-site.

**SITE AND AREA DESCRIPTION**

The subject property is located in Square 5126 which is bounded by 45th Place to the east, Jay Street to the south, 44th Street to the west and Sheriff Road to the north. The existing church building is located on lots 824 and 826 of the Square and abuts a 15-feet wide unpaved public alley to the west, a 10-feet wide paper alley to the rear and three small undeveloped Lots 828, 830, and 832 to the east of the building. There are approximately six other churches within two blocks, including along Sheriff Road and Jay Street to the south. The subject property is located in the C-1 Zone District, which abuts the R-2 Zone District to the rear or south of the building. The immediate residential neighborhood is developed as single-family dwellings, among vacant parcels.

Prior certificates of occupancies indicated that the subject property operated as a drug store and dry cleaners in 1947 and 1950 respectively. The applicant purchased the site and conducted regular church services at this location since 1977.

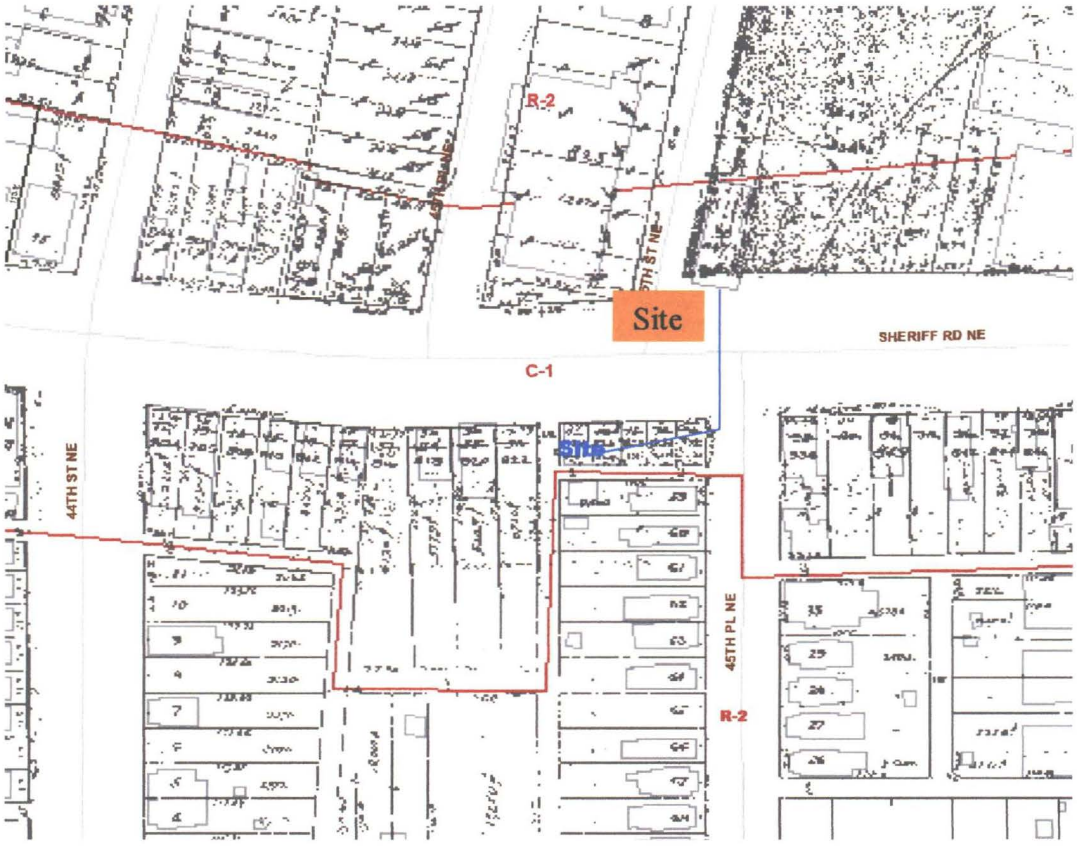
BZA
Case No. 17077
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17077
EXHIBIT NO. 23

**PROJECT DESCRIPTION**

The applicant applied for a certificate of occupancy at the District's Department of Consumer and Regulatory Affairs and was instructed to apply for a use variance to operate a church in the C-1 Zone District. However, OP consulted with the Office of Zoning, and determined that churches are allowed in all zones, but the applicant would indeed require a variance from the off-street parking requirements as prescribed by §2101.1 and a special exception according to the requirements of §2116.3

**ZONING REQUIREMENTS and ANALYSIS**




**C-1 Zone District**

*Parking Requirement for Churches*

The number of required parking spaces is dependant on the number of seats provided by the church, according to the schedule of requirements for parking spaces outlined in §2101:

> Churches - All other Districts - 1 for each 10 seats of occupancy capacity in the main sanctuary; provided, that where the seats are not fixed, each 7ft$^2$ usable for seating or each 18" of bench, if benches are provided shall be considered 1 seat.

In addition, according to §2116.3:

> For a church, up top 50% of the number of spaces may be located elsewhere. The spaces shall be located within four hundred (400) feet of the church in a public or private parking lot or garage where the…spaces are made available…through a binding agreement with the owners of the parking facility. However, at least three (3) spaces shall be provided on the lot where the church is located.

The applicant has submitted that the church has nine (9)-140 inch church benches, which allow 8 persons per bench, for a total of 72 seats. Therefore, according to §2101, the church would be required to provide up to 7 parking spaces for its members. The applicant has submitted that the church has approximately 35-45 attendees, which includes children.

OP has determined that a special exception from the parking requirement on the subject lot is necessary, since off-site spaces are proposed at another location (§§2116.5, 2116.6).

## Analysis

*Variance*

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

The applicant requires a variance from the minimum parking requirement of 7 on-site spaces. Lots 824 and 826 measure 20 feet wide by 45-46 feet deep respectively and are encumbered with a 15 foot building restriction line, representing a combined buildable lot area of only 1,228 square feet. The 1,182 square foot building occupied by the church represents 96% lot occupancy of the combined area of both lots, leaving no available space to accommodate on-site parking. This pre-existing condition is an exceptional condition of the property. No other structure, or the required on-site parking spaces can be accommodated on-site. The existing building and lot occupancy predates the 1958 Zoning Regulations. Previous commercial uses, including a drug store and dry cleaner did not provide on site parking. OP has no information about other uses on the site since 1950, when the last certificate of occupancy was issued.

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

Due to the lots' sizes, and the existing structure, a strict application of the regulation will create a practical difficulty for the owner. Seven (7), 9'x19' standard spaces or the equivalent of 1,197 square feet of space on-site represents 97% of the buildable area of the lot (1,228 square feet). There is a practical difficulty in providing the spaces, due to the existing lot occupancy, the lot sizes and the area required for parking.

In the alternative, OP believes that the applicant can accommodate the standard spaces at an available off-site parking lot. The applicant has provided a signed agreement with a public charter school (Integrated Design & Electronics Academy) located at 1027 45th Street, N.E., which agreed to assign 14, paved parking spaces on Saturdays and Sundays between the hours of 8:00 am to 7:00 pm for the church use.

***Will the variance 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?***

OP has no objection to the location of the off-site parking facility, since it reduces the impact on the residential neighborhood, particularly on Sundays when the majority of residents are most likely to be at home. No detriment to neighboring property is anticipated, since the applicant has obtained a signed agreement to park at a location within 400 feet of the church. OP notes that the agreement specifies a maximum of 14 spaces, which is twice the number of spaces required by the regulations. Further, according to information provided by the applicant, the church has a maximum seating capacity for 72 persons and only 45 members attend on most Sundays.

In addition, OP's Sunday site visit indicated ample on street parking along Sheriff Road and Jay Street, while other churches in the immediate vicinity were simultaneously in session. There are approximately 10 churches within a half-mile radius of the subject property. Some of the larger churches provide on-site parking.

At OP's request, the applicant provided supplemental information concerning the parking restrictions along public streets in the immediate vicinity of the church, and the number of attendees who carpool and walk to church meetings. The information indicates that approximately 55% of attendees do not drive to church (Attached). Therefore, OP believes that granting the variance will not impair the intent, purpose and integrity of the zone plan in the Zoning Regulations and Map.

*Special Exception*

OP has determined that a special exception will be required, since the applicant is not providing the required parking spaces on the lot and has proposed off-site parking at a nearby lot. Up to 50% of the required number (3) may be located elsewhere and at least three must be provided on the church's lot (§2116.3). However, §2116.5 provides that open parking spaces may be provided elsewhere in accordance with §2116.6 through §2116.9 as follows:

2116.6 *The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:*
*(a) Unusual topography, grades, shape, size, or dimensions of the lot;*
OP believes that the size, dimensions and current lot occupancy make it impractical to locate 7 spaces on the lot. This would require at least 1,197 square feet of the 1,228 square feet property or 97% of the site. This is an

impractical situation since the applicant does not own and is not able to acquire any available adjacent land to accommodate on-site parking.

*(b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets*;
There is an unpaved 10 feet wide paper alley located at the rear of the property. There is no available space at the rear of the building to accommodate parking.

(c) *Traffic hazards caused by unusual street grades*; or
This condition is not applicable in this instance.

(d) *The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.*
OP believes that the location of parking at an available off-site parking lot is a more efficient use of land, providing the applicant an opportunity to provide parking to members with safer ingress and egress patterns along 45th Street. This in turn reduces the adverse impact of parking in the abutting residential neighborhood, along 45th Place and Jay Street, which may be already impacted by other churches in the neighborhood.

2116.7 *When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.*
The neighborhood is predominantly residential with neighborhood serving retail along Sheriff Road, with no readily available commercial parking facilities either adjacent to the lot or separated from the lot by an alley. There are no paved alleys located around the lot.

2116.8 *The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.*
The parking facility at the Integrated Design and Electronics Academy Public Charter School on 45th Street would provide reasonable and convenient parking for Sunday church activities when it is expected to have a majority of members attending services. The school is located approximately 400 feet from the church at the intersection of Sheriff Road and 45th Street. An existing sidewalk from the school to the intersection, as well as to the front of the church, would provide convenient walking access to and from the church.

## COMMUNITY COMMENTS

The applicant has informed the Office of Planning that they presented their proposal to ANC 7C at their regularly scheduled meeting and indicated that no opposition from the community was expressed at the meeting.

## CONCLUSION

OP has no objection to the applicant's variance request from the required on-site parking spaces, due to the practical difficulty presented by the lots' sizes, its pre-existing structure and the site's lot occupancy. Built in 1939, the existing structure predates the 1958 Zoning Regulations. For these reasons, OP believes the application also satisfies the requirements of the special exception to permit more than 50% of the required spaces at a lot elsewhere other than the lot where the structure is located (§2116.5) pursuant to §3104 for special exceptions and in accordance with §§2116 through 2116.9.




# BZA Zoning Map
# Application #17077

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Feet

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★ ★ ★ **Government of the District of Columbia**
**Anthony A. Williams, Mayor**

**Office of Planning ~ October 27, 2003**

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Non-Conforming
- Single Family Dwelling
- SFD w/Home Occupation
- Res. Condo
- Multi-family Dwelling
- Flat
- Res. Transient
- Retail Store
- Restaurant
- Small Office
- Parking Garage
- Parking Lot
- Religious
- Medical
- Educational
- Public Service
- Special Purpose
- Recreational
- Vacant