BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Paramount Baptist Church
3924 4th Street, S.E.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background:

The Subject Property consists of Lots 57, 58, 65, 68, 806 and 828 in Square 6154, including property fronting on both 4th Street and Condon Terrace, S.E. The property is owned by the Paramount Baptist Church. The 4th Street side of the property is improved with an existing church building known as 3924 4th Street, a parking lot and a small vacant building known as 3910 4th Street. The Condon Terrace side of the property is improved with a small vacant building having the address of 434-436 Condon Terrace. The remainder of the Condon Terrace side of the property is unimproved. The property is located within an R-5-A District.

The Applicant proposes to demolish the two vacant buildings, renovate the existing church building and construct a three-story addition with a basement/cellar in order to provide more seating space and better facilities for the church and its programs. The site will also include 47 surface parking spaces and two garage parking spaces on the subject property and 16 parking spaces on a lot across 4th Street at the corner of Valley Avenue (Square 6153, lot 72).

A church is a use permitted as a matter-of-right in an R-5-A District. In order to accomplish the project, the Applicant seeks variance relief from §§ 402.4 and 2101.1 of the Zoning Regulations, relating to floor area ratio and parking, respectively.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the

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Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

The test for variance relief is in three-parts: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

(A) Exceptional Condition or Situation:

The Applicant will demonstrate that the Subject Property is impacted by an exceptional site configuration and topography. The site is comprised of two parts, one fronting on 4th Street and one fronting on Condon Terrace. The 4th Street side is trapezoidal in shape and the Condon Terrace side is essentially rectangular. The two portions are connected by a very narrow slice of the property. While there are other triangular shaped lots in the area created where the existing streets cut across the standard orthogonal street grid, there are no other properties with the same or similar configuration.

The subject property is also affected by unusual topographic conditions. There is a substantial change in grade on the property, which slopes steeply down from south to north. The photographs submitted with the application show that change in grade. Several stories are part basement and part cellar because of the difference in grade around the perimeter of the building.

(B) Resulting Practical Difficulty:

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. The Applicant

needs to improve and expand the existing church to better serve its members. The addition will cause the building to exceed the permitted FAR by approximately 1,000 square feet. A variance of less than 2% is therefore required.

A church having a seating capacity of approximately 900 seats in the main sanctuary is required to provide 90 parking spaces (at the rate of one space for each ten seats). The church is providing 49 spaces on site and 16 spaces across the street (pursuant to §2116.3), for a total of 65 parking spaces. A variance of 28% is therefore required.

The program requirements of the church to carry out its mission for its members and the community require the facilities shown on the proposed plans. The church has already condensed the size of its building to reduce the need for the variances and any further reductions would make the building inadequate for the purposes it is to serve.

The shape and topographic conditions directly affect the relief required. The shape and topography of the site requires retaining walls and ramps to go from one side of the site to the other and the number of parking spaces which can be achieved in the area available is therefore reduced. The triangular shape of the property across 4th Street creates inefficiencies in the layout and also limits the number of spaces which can be provided. If the properties were flat and rectangular, it is likely that all of the required parking could be provided.

(C) No Harm to Public Good or Zone Plan:

The Applicant will demonstrate that the proposed project can be undertaken without harm to the public good and without threat to the integrity of the zone plan. The building will be within the height and percentage of lot occupancy requirements for the R-5-A District, so the volume of space to be provided will be no more than what the Regulations allow. The FAR variance is minimal, less than 2% and the additional floor space would be imperceptible in terms of bulk and impact.

The church has a sanctuary which accommodated approximately 400 seats at time the Regulations were changed to require parking for churches. The increase in the seating capacity would only require 50 spaces, all of which are being provided on the same lot as the church and the lot across the street.

The application furthers the public interest in that it will greatly enhance an already established place of worship. The enhancement and expansion of the church, as proposed, will serve to further its role in the community.