GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: April 13, 2004

SUBJECT: BZA Application 17150 - Request filed by Acanthus Architects for three **area variances** to build an addition onto a nonconforming structure, increase the permitted lot occupancy and increase the number of stories permitted for a church, proposed by First Baptist Church of SW, Inc. for 710-714 Randolph Street, N.W.

APPLICATION
Application of First Baptist Church of SW, Inc. for:

Variance relief to:

1. **§ 2001.3 pursuant to § 3103.2 of Title 11 DCMR** to permit an addition onto a nonconforming structure;
2. **§ 403.2 pursuant to § 3103.2 if Title 11 DCMR** to permit an increase in the maximum permitted lot occupancy from 40 percent to 79.13 percent; and
3. **§ 400.1 pursuant to § 3103.2 of Title 11 DCMR** to permit an increase in the maximum number of stories from 3 to 4

for property located on the south side of Randolph Street and the east side of New Hampshire Avenue, N.W., 710-714 Randolph Street, Square 3131, Lots 823 and 41. The property is zoned R-4, row dwellings, conversions, and apartments residence district.

SUMMARY RECOMMENDATION
The Office of Planning recommends **DENIAL** of the request for variance relief to permit an addition onto a nonconforming structure, to permit an increase in the maximum permitted lot occupancy and to permit an increase in the maximum number of stories.

PROJECT DESCRIPTION
The proposal is for the demolition of a two and a half story end unit row dwelling and the construction of a four-story, 10,000 square foot building addition onto the First Baptist Church of SW, Inc. building. A 6-foot rear yard is proposed. The application indicates that the building

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addition will be used to consolidate the church's Sunday school and after-school educational programs, which are currently located off-site within the community, into one building. The building will include church offices, storage and mechanical space, classrooms and multi-purpose rooms.

No variance is required to § 404.1, Rear Yards, because § 404.4 requires the applicant provide only that rear yard that was required when the church was constructed. As the existing church predates the Zoning Regulations, no rear yard is required.

The church building is located on Lot 823 and the end unit row dwelling is located on Lot 41. The application indicates that the two properties will be consolidated into one lot and the resulting lot occupancy will be 79.13 percent.

PARKING: ADDITIONAL RELIEF

The application does not indicate the amount of increase in intensity that will occur on the subject property. As a result, the Office of Planning is unable to determine if the increase would result in a requirement for the provision of parking, and if so, how much. No parking is proposed and the development proposal does not allow for more than one parking space on-site. Section 2100.7 of the Zoning Regulations does not require the provision of parking for additional employees, gross floor area, seating or other unit of measurement "*unless the addition increases the intensity of the use of the building or structure by more than twenty-five percent (25%) of the aggregate.*" The application does not indicate if the proposal will result in an intensity of 25 percent or more.

HISTORY

On October 25, 1989 the Board of Zoning Adjustment granted BZA Application No. 15164, approving the following for the subject property:

1. Special exception to allow the expansion of an existing child development center in the R-4 Zone;
2. Variance to reduce the rear yard in an R-4 District from 20 feet to 5 feet;
3. Variance to increase the lot occupancy from 60 percent to 86.73 percent; and
4. Variance to increase the number of stories permitted from 3 to 4

The improvements proposed under that application were never constructed.

SITE AND AREA DESCRIPTION

The subject property consists of Lots 41 and 823 of Square 3131, in the North West quadrant of the District. Lot 41 is improved with an end unit row dwelling constructed in 1913 and Lot 823 is improved as a two-story church building constructed in 1926. The church uses the row house for church related activities. The total site (Lots 41 and 823) is 14,815.7 square feet in area. A 15 to 20-foot wide public alley that dead-ends within the square provides rear service to both lots. The lot width along Randolph Street is 114 feet and the subject property slopes gently downward from the north to the south.

To the east and southwest of the subject property are two and one half story row dwellings. To the north, across Randolph Street is a single family detached dwelling. To the northwest, caddy corner from the subject property, is a building owned by the applicant that is operated as the First Baptist Church Senior Citizens Center. To the west, across New Hampshire Avenue, is a public park. All surrounding properties are located within the R-4 Zone District.

The area has been identified on the Generalized Land Use Map as moderate density residential land use, which is described as *"[r]ow houses and garden apartments are the predominant uses; may also include low density housing."*

EXISTING ZONING
The subject property is zoned R-4 (row dwellings, conversions, and apartments residence district (§105.1(a)(4)).

R-4 Community Business Center District
"The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families." (§ 330.1)

Lot Occupancy

	Lot 41	Lot 823	Combined New Lot
Existing	37.27 percent	70.39 percent	66.25 percent
Proposed	Approx. 81.92 percent	Approx. 78.42 percent	79.13 percent

The existing lot occupancy of the entire subject property is 66.25 percent and the existing two and one-half story row dwelling to be demolished has a rear yard of approximately 47 feet, similar to the rear yards of the next three 2-story row dwellings. The existing lot occupancy of Lot 41 is 37.3 percent and the existing lot occupancy of Lot 823 is 70.4 percent.

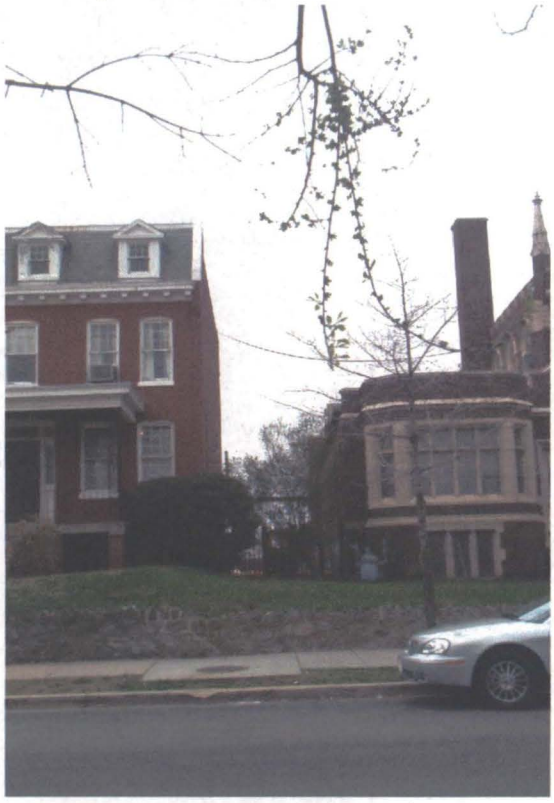
The maximum lot occupancy permitted within the R-4 District for a church is 60 percent (§ 403.2). The proposed lot occupancy is 79.13 percent for the combination of Lots 41 and 823. The application indicates that an application for subdivision is pending. The existing lot occupancy for the two lots is 66.25 percent, more than what is permitted within the zone district. This request is to increase the lot occupancy by 31.9 percent over that which is permitted, a substantial increase.

RELIEF REQUESTED:
Variance pursuant to §§ 2001.3 and 3103.2 of Title 11 DCMR to permit the enlargement of an existing nonconforming structure.

Section 3103.2- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code, 2001 Ed. §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to such property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."

The applicant's justification statement indicates that the lot is irregularly shaped, that the existing side yard is too small to construct an annex and that the existing row house is not readily adaptable for Sunday school and after school development programs. While it is true that the subject property is irregularly shaped (it is not a rectangle), it is a large property (14,815.7 square feet in area) and the shape of the lot does not result in unusable or inaccessible portions of the property that would result in a challenge to the development of the property. Therefore, the shape of the property does not result in difficulty in the development of the site.



Existing Situation

The application indicates that the existing side yard is too small for the construction of a building annex. However, as the existing lot occupancy is 66.25 percent (in excess of the maximum 60 percent permitted), this is an indication that the applicant has been able to maximize the development of this property and that it is not unique.

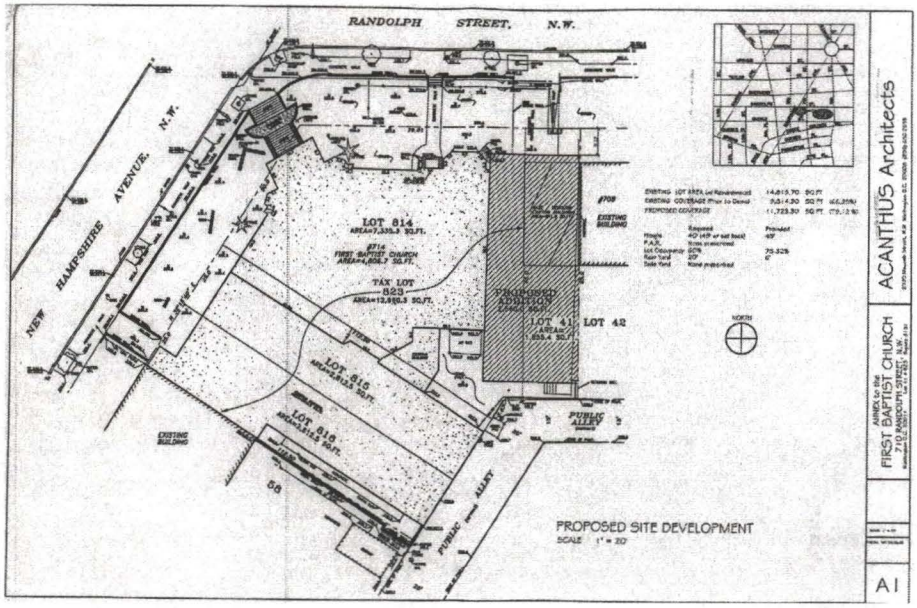
The application states that the existing row house is not easily adaptable for Sunday school and after- school development programs. However, this argument is more appropriate for the replacement of the row house, and not for the replacement of the row house in combination with the enlargement of the non-conforming church structure.

Approval of this application would impair the intent, purpose and integrity of the zone plan. The R-4 Zone District is a residential zoning category that provides for churches within it. However, the granting of variances in excess of that which is permitted by the Zoning Regulations, which are intended to control development, must relate directly to the ability to use the land. The

existing development of the subject property does not indicate an inability to use the subject property.

The application fails to demonstrate exceptional or extraordinary situation necessary for the Board to grant a variance.

Variance pursuant to §§ 403.2 and 3103.2 of Title 11 DCMR to permit an increase in the maximum permitted lot occupancy from 60 percent to 79.13 percent for a church within the R-4 District.



The existing lot occupancy of Lot 823 is 70.39 percent and the lot occupancy of the combination of the two lots is 66.25 percent. This application proposes to increase the lot occupancy for the combined site to 79.13 percent, or 12.4 percent more than what currently exists on Lot 823, 19.4 percent more than the existing lot occupancy for the combined site, and 31.9 percent more than what is permitted by the Zoning Regulations.

Justification of the request, as indicated in the application, is that the increase is minimal. The Office of Planning does not agree. The requested increase must be considered from the maximum permitted by the zone district, which in this case is an increase of 31.9 percent above that which is permitted for churches by right within the R-4 Zone District. An increase of 31.9 percent is not minimal. The application fails to demonstrate an exceptional or extraordinary situation of the property that results in the need for a variance.

Variance pursuant to §§ 400.1 and 3103.2 of Title 11 DCMR to permit an increase in the number of stories from three to four.

The subject application proposes to increase the maximum number of stories from three to four, an increase of one-third. The proposed building height, 49 feet, is consistent with the provisions of § 400.6, which allows for a maximum building height of 60 feet for churches within the R-4 District. Although the permitted building height allows for the provision of additional floors, the additional height is not intended to allow for additional floors. Section 400.1 limits the number of stories within the R-4 Zone District to three in combination with a maximum building height. The application justifies the increase because the cost of constructing a three-story building is almost the same as constructing a four-story building. The application provides fails to provide evidence that the fourth story is related in any way to the uniqueness of the lot. The application

also indicates that this request was approved in 1989. However, the building approved as a result of that application was never constructed and therefore does not result in an extraordinary or exceptional condition.

It is the Office of Planning's conclusion that the applicant has not satisfactorily met the criteria for variance relief of §§ 2001.3, 403.2 and 400.1 in that the relief cannot be granted without "substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." (§3103.2)



Proposed Building Elevation

The application requests to increase the lot occupancy and number of stories by approximately one-third over that which is permitted by right, a substantial increase, and expand a nonconforming building. The subject property is not unique. It is large. It is 14,815.70 square feet in area, substantially more than the minimum 4,000 square feet required for churches, and not configured in such a way that prevents the development of the site. It is neither narrow nor shallow, as it contains a 114-foot lot width along Randolph Street. It does slope gently downward from the north to the south, but the site does not contain exceptional topographical conditions that would preclude development, as evidenced by the existing development of the site in excess of the maximum lot occupancy permitted. Therefore, the Office of Planning has concluded that the subject property is not unique.

COMMUNITY COMMENTS

The Chair of **ANC 4A** has informed the Office of Planning that the ANC will review the project at their meeting of April 13, 2004.

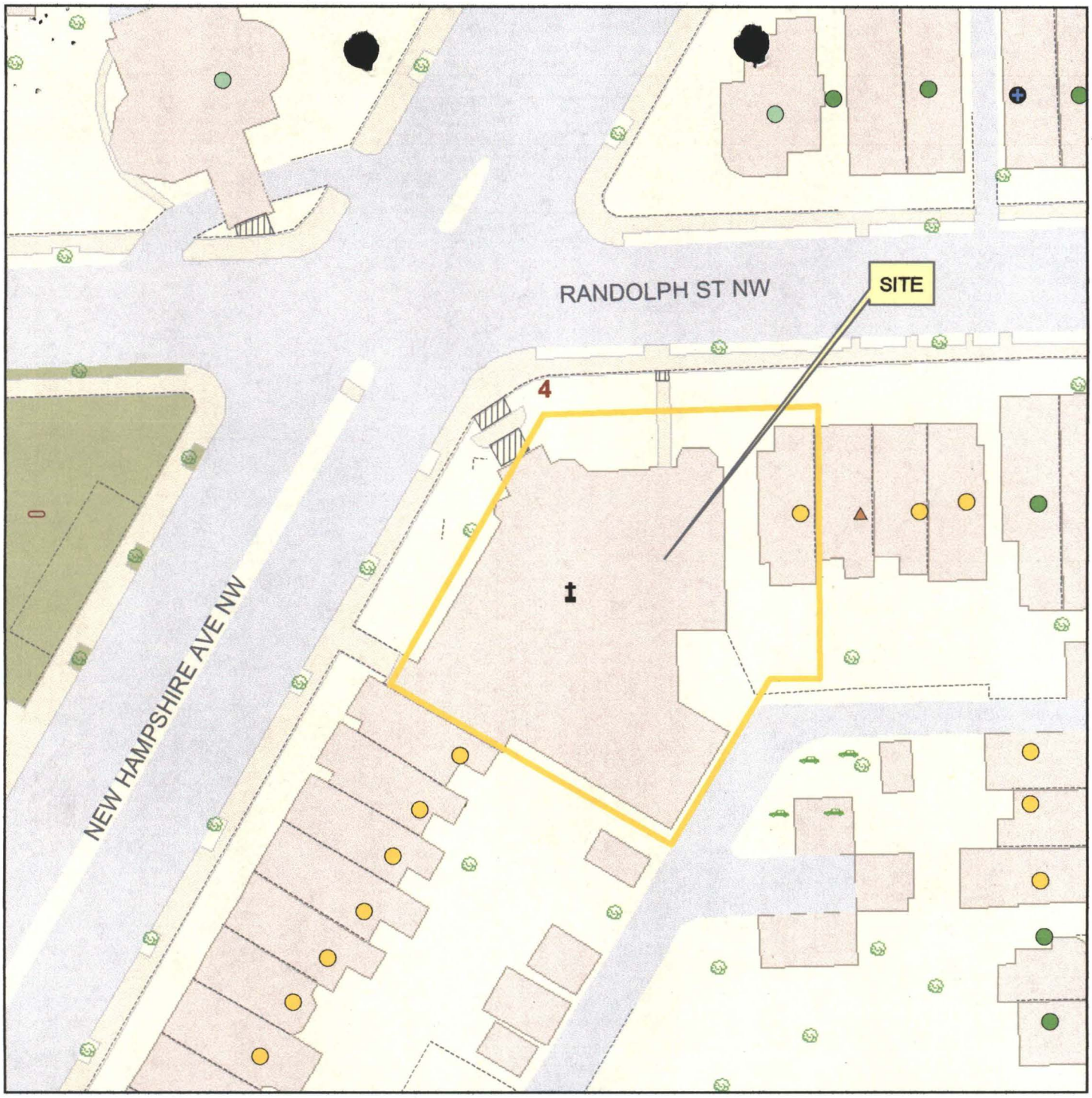
RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variances do not meet the required tests and cannot be

granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends **DENIAL** of the application.

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BZA Application No. 17150
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★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ March 26, 2004

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.

- Religious
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Multi-family
- Special Purpose
- Trees

