GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

RECEIVED
D.C. OFFICE OF PLANNING
2005 JUN -5 PM 4:25

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen M. McCarthy
Director

DATE: June 24, 2005

SUBJECT: BZA Application 17343 - Request filed by Peace Baptist Church for **three area variances** to increase the maximum lot occupancy permitted, decrease the minimum rear yard and decrease the number of off-street parking spaces required for an existing church at 712 18th Street, N.E.

APPLICATION
Application of Peace Baptist Church for:

Variance relief to:

1. **§ 403.2 of 11 DCMR** to permit a lot occupancy of 85 percent in a zone district where a maximum of 60 percent is permitted;
2. **§ 404.1 of 11 DCMR** to permit a rear yard of 16 feet in a zone district where a minimum of 20 feet is required; and
3. **§ 2101.1 of 11 DCMR** to permit a decrease in the minimum number of on-site parking spaces from 20 to 0

for an existing church located on south side of the west side of 18th Street, N.E., between Gales Street and Gales Place, Square 4511, Lot 67. The property is zoned R-4, row dwellings, apartments and conversions residence district.

BZA
Case No. 17343
Exhibit No. 25

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the requests for variance relief as submitted by the applicant.

PROJECT DESCRIPTION
The application proposes the construction of a new ADA compliant entrance for the 18th Street entrance of a 1948 church building. The existing 18th Street entrance will be removed. The new entrance will include a street level entrance and an elevator providing access to both levels of the building. The existing 16-foot rear yard will remain as will the existing parking situation

Board of Zoning Adjustment
District of Columbia
CASE NO. 17343
EXHIBIT NO. 25

providing no off-street parking on-site. There will be no increase in the maximum occupancy in the main sanctuary. However, the proposed building addition will increase the lot occupancy from the existing 79 percent to 85 percent.

SITE AND AREA DESCRIPTION
Square: 4511 **Lot:** 67 **Quadrant:** North East
Area: 9,627 square feet **Lot Width:** 71.75 feet
Improvements: Church building constructed in 1948

Surrounding Uses
North: Across Gales Place, multi-family dwellings within the R-5-B Zone District
South: Across a 16-foot wide public alley, row houses and flats within the R-4 Zone District
East: Across 18th Street, row houses within the R-4 Zone District
West: Flats within the R-4 Zone District.

Generalized Land Use Map: Moderate Density- "*Row house and garden apartments are the predominant uses; may also include low density housing.*"

Zone District: R-4- "*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)

RELIEF REQUESTED:

Uniqueness of Property
The subject property is unique because it is improved with a building constructed prior to the adoption of the Zoning Regulations. As a result, the building does not conform to the bulk regulations for the R-4 Zone District in which it is located. The subject property is nonconforming for lot occupancy, rear yard and off-street parking. Without the granting of variances, no building additions, no matter how minimal, can be constructed.

Variance pursuant to § 403.2– Maximum Percentage of Lot Occupancy
Section 403.2 sets forth the maximum lot occupancy permitted within the R-4 Zone District for a church as 60 percent. The application proposes a lot occupancy of 85 percent, in excess of the existing lot occupancy of 79 percent. However, the reason for the proposed increase is to allow the applicant to modify the entrance to the building so as to make it ADA compliant. The existing building is improved with an exterior staircase that leads up to the front door. By reconfiguring the entrance to the building, the church will then become accessible to the handicapped. Without the removal of a portion of the building, the applicant cannot conform to the maximum lot occupancy requirement. Therefore, it would be a peculiar and practical difficulty to the applicant to provide the lot occupancy as required and this variance can therefore be granted without substantial detriment to the public good.

Variance pursuant to § 404.1– Minimum Depth of Rear Yard
Section 404.1 sets forth the minimum rear yard required within the R-4 Zone District as 20 feet. The application proposes a rear yard of 16 feet, the existing situation and four feet less than the minimum required. The proposal to modify the front of the building will have no effect on the existing rear yard, which predates the adoption of the Zoning Regulations. Without the removal of a portion of the building, which would be hardship on the applicant, the subject property cannot be brought into conformance with the minimum rear yard required. Therefore, it would be a peculiar and exceptional practical difficulty for the applicant to provide the rear yard as required and this variance can therefore be granted without substantial detriment to the public good.

Variance pursuant to § 2101.1– Schedule of Requirements for Parking Spaces
Section 2101.1 requires 1 parking space for every 10 seats of occupancy capacity in the main auditorium, or 20 parking spaces for a 200-seat sanctuary. The subject property was developed prior to the adoption of the Zoning Regulations and as a result no parking is required. Despite this, the applicant owns a 35-space parking lot at the southeast corner of 17th Street and Gales Place, within the same square as the Church. The proposed construction will not alter the existing situation and the request for the variance is a result of the proposal to expand a nonconforming structure. In addition, there is no space on the subject property to provide off-street parking without the removal of a portion of the building. Therefore, it would be a peculiar and exceptional practical difficulty for the applicant to provide parking as is currently required for a church and this variance can therefore be granted without substantial detriment to the public good.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following theme:

> *"Respecting and improving the physical character of the District;"* (§ 101.1)
>
> *"Maintain and enhance the physical integrity of the District as the Nation's Capital;"* (§ 702.1(a))

COMMUNITY COMMENTS
ANC 6A voted unanimously (7-0) to support the application at their regularly scheduled meeting on June 9, 2005.

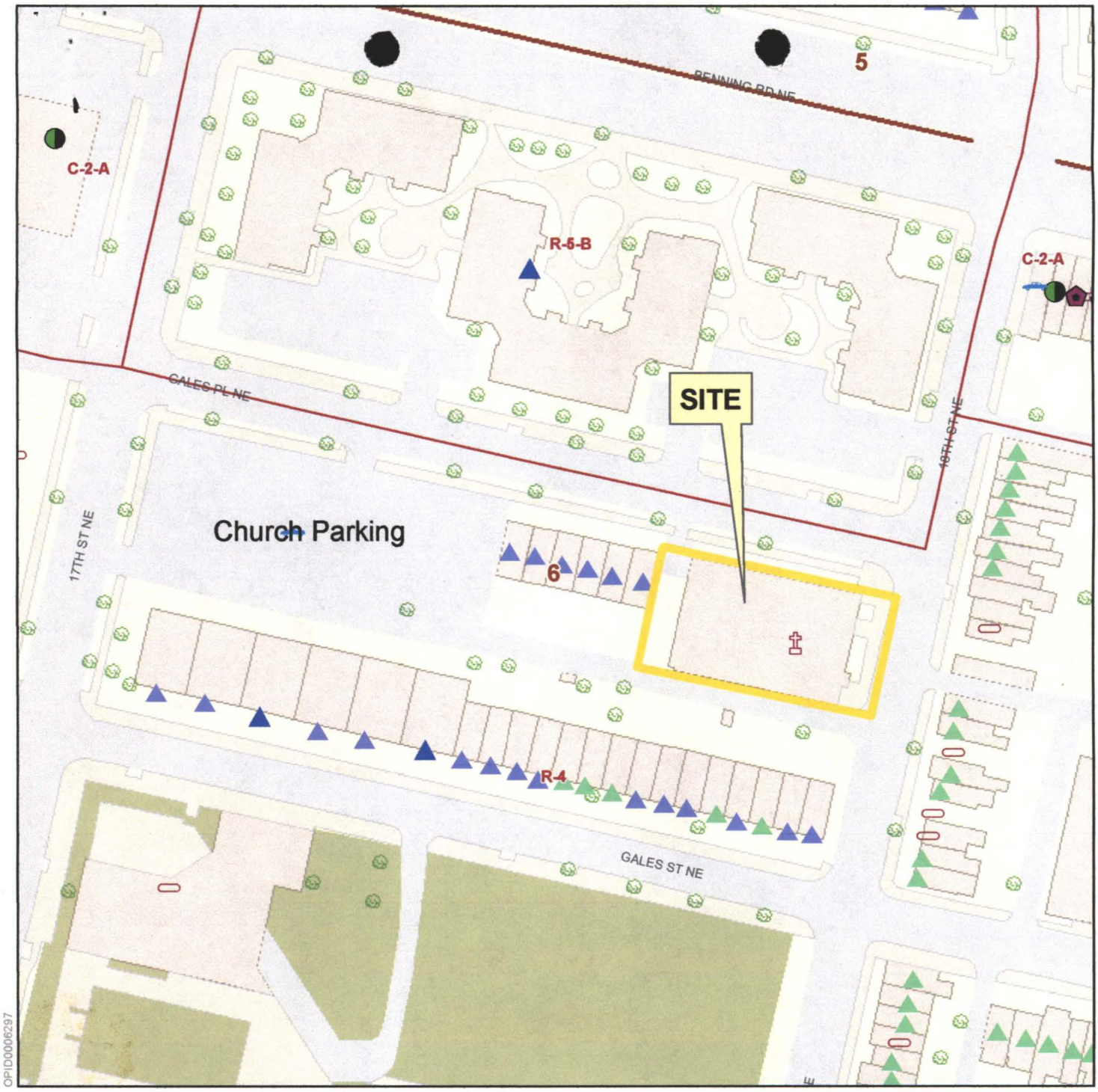
RECOMMENDATION
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variances meet the required tests and can be granted "without 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 approval of the following:

Variance relief to:

1. **§ 403.2 of 11 DCMR** to permit a lot occupancy of 85 percent in a zone district where a maximum of 60 percent is permitted;
2. **§ 404.1 of 11 DCMR** to permit a rear yard of 16 feet in a zone district where a minimum of 20 feet is required; and
3. **§ 2101.1 of 11 DCMR** to permit a decrease in the minimum number of on-site parking spaces from 20 to 0.

EMc/sjm$_{AICP}$



BZA APPLICATION NO. 17343

Feet

N

0 50 100

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

Office of Planning ~ June 7, 2005

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.

- Small Office
- Religious
- Flat
- Single Family Dwelling
- Multi-family Dwelling
- Retail Store
- Vacant; 197
- Parking Lot

