MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: May 4, 2010

SUBJECT: BZA Case No. 18059 – Shiloh Baptist Church Community Service Center

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I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of:

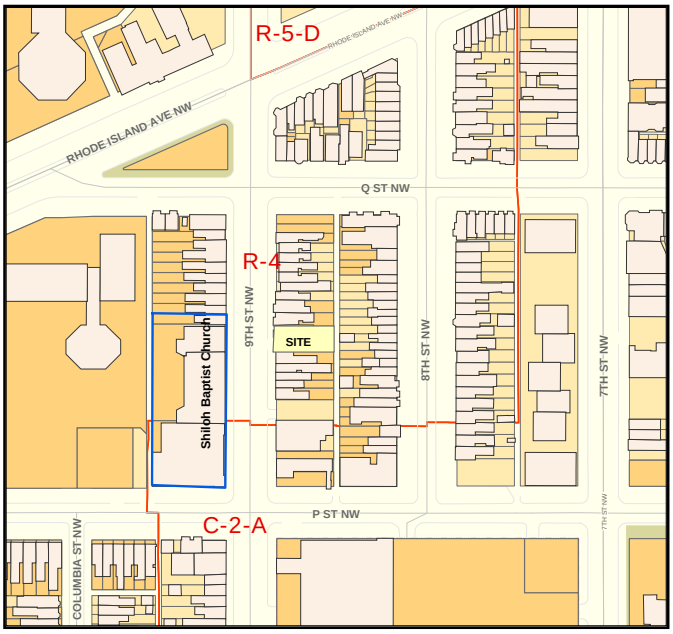
- **A special exception pursuant to § 334 of Title 11 DCMR,** to permit a non-profit organization within the R-4 district;
- **A lot occupancy variance to § 403.2 of Title 11 DCMR,** to increase the lot occupancy from 40% to 59.9%;and
- **Variance relief pursuant to § 2101 of Title 11 DCMR,** to permit a reduction of on-site parking spaces (12 required, 4 provided).

II. AREA AND SITE DESCRIPTION

Address	1533 9th Street, NW
Legal Description	Square 397, Lot 31
Ward	2C (SMD 2C01)
Lot Characteristics	Rectangular lot, with alley access from the west side at the rear.
Existing Development	Two-story structure, currently vacant.
Zoning	R-4 – row dwellings.
Adjacent Properties	North: Row dwelling. South: two-story commercial building. East: Across 9th Street, Shiloh Baptist Church Life Center. West: Private residential garage abutting the subject property, beyond which are row houses.
Surrounding Neighborhood Character	Mixture of residential and commercial uses. The property is within the **Shaw Historic District**.

III. APPLICATION- IN-BRIEF

The applicant, Shiloh Baptist Church, proposes to convert a long vacant building into a community service center. A two-story addition is proposed to the south side of the building, including additional space for offices, stairways and an elevator. The existing building would also be renovated and would provide access to the addition on each floor.



Zoning and Vicinity Map

The addition would expand the building to accommodate the proposed use, including making the building ADA compliant through the addition of an elevator and elevator machine room, handicap accessible entranceways and corridors. A non-profit organization would operate the center which would provide a variety of services to approximately 84 clients. Some of the services may include counseling and job search services. The hours of operation would be between 8 am to 5 pm, Monday through Friday and no service would be provided nights or weekends. The center would be staffed by up to 12 persons, most of whom would be expected by public transportation. At least one bus line services the 9th Street corridor and there is a bus stop within one block of the proposed facility. Metrorail's Green Line Shaw-Howard University station is within 3 blocks.

The parking requirement for "all other uses" provides that one space would be required for every 600 square feet of gross floor area (GFA). This would result in 12 required parking spaces for the proposed use and four parking spaces are proposed.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

	Permitted/Required	Proposed	Relief
Building Height (max.)	40 feet	39.5 feet	None required
Side Yard (min.)	None	None	None required
Rear Yard (min.)	20 feet (Min)	22.5 feet	None required
Lot Occupancy (max.)	40 %	59.9%	**Variance Relief**
Floor Area Ratio (max.)	NA	NA	NA
Parking (min.)	1 space per 600 sq. ft of GFA 7131 sq.ft. GFA/600 = 12 spaces	4	**Variance relief** from the required minimum.
Use – Community Service Center	Allowed by Special Exception		**Requested**

V. OFFICE OF PLANNING ANALYSIS

Special Exception pursuant to § 334 – Community Service Center (R-4)

According to Section 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 which 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.

The center would be located between a residence to the north and an existing business to the south. The office hours of operation would be typical of business hours between 8 am and 5 pm, Monday through Friday and would be closed when nearby residents would be expected to be at home. The office use should not generate significant noise, or other objectionable conditions. A north-south alley separates the buildings which front on 9th Street from the residences with 8th Street frontage. Lighting at the rear of the proposed addition should have no adverse effect on the 8th Street residences.

The proposed addition received design input from OP's Historic Preservation staff to ensure that the design reflected the character of the area. The proposed addition would occupy a vacant portion of the lot, which currently has a curb cut to provide vehicular access to a surface parking area at the side of the vacant structure, as well as access to the rear. Removal of the curb cut would improve pedestrian movement on this segment of 9th Street. OP does not anticipate an adverse effect upon the present character and future development of the neighborhood.

334.3 No structural changes shall be made except those required by other municipal laws or regulations.

The Zoning Administrator has advised OP that the proposed addition does not classify as a structural change. Access openings would be provided on both floors to connect the addition to the existing structure. The addition is also intended to provide most of the ADA compliant hallways and circulation for the renovated structure as required by building code regulations. Therefore, this provision is satisfied.

334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

The proposed use would act as an extension of the services already provided by the church's Life Center, which is directly across the street from the proposed service center, and largely serves local neighborhood residents.

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 applicant is a non-profit and intends to operate the center with the assistance of non-profit organizations. The applicant has not identified the organization in its submitted report.

Variance to § 403.2 – Lot Occupancy
Section 403.2 sets the maximum lot occupancy within the R-4 district for all other uses at 40 percent. The subject application proposes to exceed the maximum permitted by almost 20 percent.

Exceptional Situation
The subject property is presented with an exceptional situation, as the existing building which was formerly used as a residence is not ADA compliant. The church's mission and program could not be accommodated within the existing former residential structure, even if an elevator and handicap access were added to the existing structure.

Practical Difficulty
The existing building has no elevator, and was developed at a time prior to handicap accessible entrances, corridors and restrooms that would be required for the building's proposed non-residential use. Building additions are necessary to make the building ADA compliant and adapted to its intended purpose. The building addition proposed on the south side of the structure, would be largely devoted to the provision of a modern stairwell, an elevator and elevator lobby and ramps with ADA compliant corridors. The addition to the rear would accommodate an ADA compliant restroom and a second stairway on each of the floors.

The applicant's ability to provide services appropriate to its mission would be reduced if the increase were not permitted. Overall, approximately 44 percent of the gross floor area of the building would be devoted to updated support functions of the building, including restrooms, elevator lobby, elevator, two staircases, corridors, ramps and circulation spaces connecting the two building, and not to the services the building would provide. Based on a 40% lot occupancy only an additional 500 square feet would be permitted and in order to meet the functional aspects of the facility the applicant requires an additional 535 square feet (for a total of 1,035 square feet) to just meet the basic circulation needs. Thus, the building could not be structurally altered to provide for the elevator and handicap accessible spaces within the existing structure while retaining functional work space.

Impact on the intent of the Zone Plan and Neighborhood
The requested variance would allow for the adaptive reuse and modernization of an existing, long- vacant structure and the proposed addition would infill a gap along the historic district's streetscape. The use is intended to support the church's mission, which provides other neighborhood services and is a use that is permitted in this zone district. Therefore, variance relief in support of the church's mission in the neighborhood should not be of substantial detriment to the intent of the zone plan or neighborhood.

Variance to § 2101 – Parking
Section 2101 requires one parking space for every 600 square feet of gross floor area, or 12 spaces. The subject application proposes 4 spaces.

Exceptional Situation
The existing structure in conjunction with the proposed addition would leave little space on the lot to accommodate 12 spaces on the lot. Further, the vacant portion of the lot is too small to accommodate underground parking and excavation under a contributing structure may not be feasible.

Practical Difficulty
The building addition is required for the center's programming. A smaller sized building addition to accommodate the on-site parking spaces would create a practical difficulty for the applicant in providing the necessary services for its mission as well as the building's functions. This directly affects the area at the rear where parking could be accommodated.

Impact on the intent of the Zone Plan and Neighborhood
The applicant has indicated that any overflow parking would be accommodated across the street in the church's parking lot, which is vacant during weekday daytime hours. On-street parking is available within

the immediate vicinity of the property on 9th Street to accommodate shirt-term visits to the center. The requested variance would not substantially impair the intent, purpose and integrity of the zone plan. It would allow for the adaptive reuse of an existing structure in a well travelled corridor with access to a variety of transportation modes. Therefore, OP does not perceive harm to the intent of the Zone Plan or Map or any adverse impact on the neighborhood due to overflow parking on neighborhood streets.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

ANC2C, at its regularly scheduled meeting in April 2010, voted in support of the application.

VIII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting a special exception pursuant to §334, variance relief from § 403.2 to increase the lot occupancy and variance relief from § 2101 to permit a reduction in the number of on-site parking spaces. Therefore, the Office of Planning recommends **APPROVAL** of the application.

JS/kt