

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Re: Application of D.C. Teacher's Credit Union

BZA Application No. (Previously Approved 16466):

Public Hearing:

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**STATEMENT OF REASONS IN SUPPORT OF
AN APPLICATION FOR A USE VARIANCE TO ALLOW
THE CONTINUED USE OF THE FORMER
EDMONDS PUBLIC SCHOOL BUILDING
BY THE DISTRICT OF COLUMBIA TEACHERS FEDERAL
CREDIT UNION FOR 901-903 D STREET, N. E.**

This Statement of Reasons is submitted on behalf of the District of Columbia Teacher's Federal Credit Union, by its counsel, Chelsea P. Ferrette, Esq. and Cadre Legal pllc and its architect, Maiden & Associates in support of an application for the a use variance to allow the long standing use of the former Edmonds public school building as general offices by the District of Columbia Teachers Federal Credit Union (the "Applicant")

I.

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3113 for a variance from the use provisions of 11 DCMR § 330.5 and 3103.2 to allow continued general office uses by a credit union in an R-4 District at the premises located at 901 – 903 D Street, N.E., at Lot 809 in Square 938 (the "Property").

II.

BOARD OF ZONING ADJUSTMENT
District of Columbia

JURISDICTION

CASE NO. 17842

EXHIBIT NO. 2

The Board of Zoning Adjustment (the “Board”) has jurisdiction in this application pursuant to 11 DCMR § 3100.1.

III.

PROPERTY DESCRIPTION

The Applicant owns the Property located at the southeast corner of the intersection of Ninth and D Streets, N E in the Capitol Hill Historic District. The Property, constructed in approximately 1903, is improved with a two (2) story brick building with basement, a paved area used for accessory visitor and employee parking, and a small playground located at the southwest corner of the site adjacent to 9th Street. *See District of Columbia Government Office of the Surveyor Site Plan (BZA Case File No. 16466) (hereinafter “Site Plan”) and Site Photographs, attached as Exhibit A.*

The Property has a lot area of 21, 254 square feet. The building occupies approximately 33% of the lot with a gross building area of 20,998 square feet. The building’s main entrance is located on Ninth Street and features a prominent doorway capped by a cornice and ached second floor window See Exhibit A.

The main vehicular entrance to the Property is through an asphalt driveway from Ninth Street, N.E. with an exit on to D Street. This access leads to an asphalt paved employee and visitor parking lot with twenty-four (24) full-size parking spaces at the rear and side of the building as shown on the Site Plan and Exhibits A. One parking space has been designated as community share parking space for use by Zipcar. All or part of four parking spaces were originally constructed by the school system in the public space along D Street but inside the existing sidewalk

A. Prior Use of the Property as a School [Prior, Current and Proposed Uses]

The Property was constructed in 1903 for use as a public elementary school known as the Edmonds School. After approximately eighty (80) years of use of the building as a public elementary school, the District of Columbia closed the Edmonds School. For more than 15 years, beginning in 1983, the Applicant leased the building from the District of Columbia Government's Associates for Renewal in Education, Inc who held the Certificate of Occupancy on the building and operated the building as an early child development center after the closing of the Edmonds School. The Property has been used by the Applicant as a federally insured District of Columbia charted credit union After leasing the building, the Applicant purchased the Property from the District of Columbia Government as a surplus D.C. Public School site in late 1997. Under the Sales Agreement, the D.C. Public Schools were required to reasonably assist the credit union in obtaining any necessary zoning approvals. This purchase was approved by the D.C. Financial and Management Assistance Authority ("Control Board"). Since assistance from the D.C. Public Schools wasn't forthcoming, on March 29, 1999, on their own, the D.C. Teacher's Credit Union applied for a use variance from the Board of Zoning Adjustment which was granted on June 2, 1999. This application is for a renewal of the approval granted on June 2, 1999 for the continued use of the Property as a federal credit union in order to obtain the appropriate certificate of occupancy.

B. Surrounding Neighborhood.

The property is located north of Lincoln Park and south of Maryland Avenue, N.E. The property is located one block east of the C-2-A zone on 8th Street, N.E. between E and C Streets and in a neighborhood predominantly comprised of single-family row dwellings with a few

nonconforming apartment buildings and institutional uses, such as schools and churches. See BZA Case File Application No. 16466 and Site Plan. Specifically, directly across Ninth Street, N.E. on the southwest corner of Ninth and D Streets, N.E., is a church, The Way of the Cross Church of Christ, International

Ninth Street is a four lane street paved with macadam, which extends from the Southwest Freeway and the Marine Barracks to Florida Avenue near Gallaudet University. D Street is also paved macadam and extends from the Massachusetts Avenue Near the Capitol to Tennessee Avenue, approximately 14 blocks east of the Capitol. Traffic on D Street is one-way eastbound. Unmetered parking is available on both sides of the street.

C Continued Use of the Property

The Applicant, by the subject application, proposes to continue its long-standing use of the Edmonds School building as offices of a credit union and for ancillary administrative offices.

At present, the Applicant employs seventeen (17) persons who work at the site. The office of hours for employees are 9:00 a.m. to 5:30 p.m., Monday through Friday. The customer hours of operation of the credit union are from 10:00 a.m. to 4:30 p.m., Monday through Thursday and Friday until 5:30 p.m. The credit union is not open on weekends or holidays. Very few people come to the credit union because of the widespread use of direct deposit payroll deduction and other electronic and internet banking services. More than half of all transactions are completed telephonically or electronically.

A District of Columbia Police substation is also located in the Edmonds building. This important community and public safety use is proposed to continue. The presence of the credit union and the more recent arrival of the Police substation have eliminated the loitering, drug

dealing and use, and related criminal activity that used to plague the neighborhood. The credit union also makes available at no charge its parking lot to the Way of the Cross Church of Christ, International located immediately across D Street for evening and weekend use by its parishioners to reduce neighborhood parking congestion. The credit union also routinely makes its small auditorium available to community and civic groups for meetings at no charge.

D Parking Provisions

The Edmonds Building is located within the Capitol Hill Historic District and is a contributing structure within such historic district. Thus, pursuant to Sections 2100.5 and 2200.5 of the Zoning Regulations, no parking or loading facilities are required to be provided. *See* Parking and Loading Waiver, BZA Case File Application No. 16466. However, notwithstanding the foregoing, the Applicant has since its inception provided more than twenty-four (24) parking spaces on the site for visitors and employees and proposes to continue to provide such spaces. In addition, there are several on-street parking spaces which are located immediately adjacent to the Edmonds Building and which are occasionally used by members of (or visitors to) the credit union.

Loading requirements are few and infrequent but, when required, loading is provided on site in an area adjacent to the rear side of the building. Based on many years of experience by the Applicant at the Edmonds Building, the off-street and on-street parking provided is more than adequate for all visitors and employees and the loading arrangements are more than satisfactory.

E. Zoning of the Property

The Property is zoned R-4 (row dwellings, conversions and apartments) *See Zoning Map attached in BZA Case File Application No. 16466.*

The R-4 zone classification permits a variety of matter of right uses, including, for example, child development centers for up to fifteen (15) individuals; one-family row dwellings; hospitals, sanitariums or clinics for humans; private clubs, lodges, fraternity houses, sorority houses or dormitories, rooming and boarding houses, and museums.

IV.

JUSTIFICATION FOR VARIANCE

An application for a use variance must meet the following requirements.

- (1) Unique physical aspect or "other extra-ordinary or exceptional situation or condition of a specific piece of property,"
- (2) Undue hardship, and
- (3) No harm to the public or to the zone plan.

Monaco v. BZA, 407 A. 2d 1091, 1096 (D. C 1980), National Black Child Development Institute v. BZA, 483 A.2d 687, 690 (D C 1984).

The extraordinary or exceptional situation or condition of a specific piece of property which justifies the variance in this application arises out of the property as improved *See Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974). The subject property is improved with a two (2) – story brick building (with basement) which was constructed as, and used for approximately eighty (80) years as, a public elementary school building. As a result, the building contains (i) large rooms (previously used as classrooms), (ii) wide stairwells and (iii) large, open interior areas. *See BZA Case File No 16466.* The building was (and is) readily adaptable as offices of a credit union because the Applicant was (and is) able to use the building with free interior and no exterior alterations, although the credit union spent

more than a million dollars making minor changes and correcting long-standing and substantial code violations and neglect. By D.C. law, use (and users) of the former school building was limited and has to meet specific criteria and public approval. Under the original lease and later the purchase, D.C. Public Schools were required to give preference to a school related use or user. In this case, the credit union for the D.C. school teachers met this criteria. Approval of the sale required a public hearing and determination that the property was in fact surplus. On the other hand, converting the building to matter-of-right uses would be prohibitively expensive and therefore infeasible. [In addition, many of the matter-of-right uses, such as a hospital, church, museum, or CBRF, although permitted by the Zoning Regulations, might have an adverse impact on the surrounding neighborhood from a traffic and parking standpoint].

Given the Credit Union's investment in the building and the community and the lack of any reasonable alternatives for its or anyone else's use of this unique building, strict application of the Zoning Regulations would impose an undue hardship on the Applicant, the community and the District of Columbia.

The relief sought by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan because of (a) its low-intensity use, (b) the adequacy of on-street and off-street parking and (c) its more than twenty-five year history of being a "good neighbor" to the surrounding community. The Applicant restored a decaying eyesore in its community with community involvement. The Applicant has made its parking spaces available for use by a local church and its building available for community meetings.

Lastly, the location of a District of Columbia Police substation in the Edmonds building provides additional safety to the surrounding community.

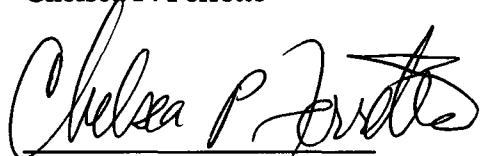
V.

CONCLUSION

For the foregoing reasons, and on the basis of the evidence submitted with the application, as well as the fact that the Board has previously granted a petition by the Applicant the Applicant respectfully submits that the subject application satisfies the legal requirements applicable to the requested relief and that it therefore be granted

Respectfully submitted,

Chelsea P. Ferrette



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Applicant's Pre-Hearing Statement was mailed, first class, postage prepaid, this 13 th day of June 2008 to.

Advisory Neighborhood Commission 6A
1132 4th Street, N.E.
Washington, D.C. 20002

Attn:



Chelsea P. Ferrette