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Kyrus L Freeman
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February 14, 2012

VIA HAND DELIVERY

Board of Zoning Adjustment
441 4th Street, N W
Suite 210S
Washington, DC 20001

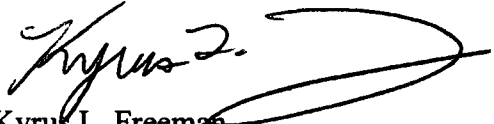
Re: Application No. 18317 of Bozzuto Homes, Inc., on behalf of Meridian Hill Baptist Church - PreHearing Statement of the Applicant

Honorable Members of the Board

On behalf of the Applicant in the above-referenced case, enclosed please find one original and twenty copies of the Applicant's prehearing submission in support of its application for variance relief to allow an addition to, and renovation of, an existing building for residential use in the R-5-D District at premises 3146 16th Street, N W (Square 2595, Lot 831)

Thank you for your attention to this application.

Sincerely,


Kyrus L Freeman

Enclosures

cc Maxine Brown-Roberts, Office of Planning (Via Hand, with enclosure)
ANC 1D (Via U S Mail, with enclosure)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18317
EXHIBIT NO. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.18317
EXHIBIT NO.26

RECEIVED
D.C. OFFICE OF ZONING

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

FEB 14 PM 12:04

**APPLICATION OF
BOZZUTO HOMES, INC.
ON BEHALF OF
MERIDIAN HILL BAPTIST CHURCH**

**BZA APPLICATION NO. 18317
HEARING DATE: FEB. 28, 2012
ANC 1D**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted by Bozzuto Homes, Inc. (the "Applicant"), on behalf of Meridian Hill Baptist Church, the owner of property located at 3146 16th Street, N.W (Square 2595, Lot 831) (the "Site"), in support of its application pursuant to 11 DCMR §3103.2 for a variance from the rear yard requirements under subsection 404 1, and a variance from the court width requirements under subsection 406.1, to allow an addition to, and renovation of, an existing building for residential use in the R-5-D District

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the variance relief requested herein pursuant to Section 3103 2 of the Zoning Regulations.

III.
EXHIBITS IN SUPPORT OF THE APPLICATION

- Exhibit A:** Portion of the Baist and Sanborn Atlas plats showing the Site;
- Exhibit B.** Portion of the Zoning Map showing the Site,
- Exhibit C:** Architectural Plans and Elevations,
- Exhibit D** Historic Preservation Review Board Staff Report and Recommendation, for December 15, 2011 meeting date;
- Exhibit E:** Outline of Testimony of Clark Wagner, The Bozzuto Group;
- Exhibit F** Outline of Testimony of Thomas Johnson, AIA, Martinez & Johnson Architecture; and
- Exhibit G:** Outline of Testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP.

IV.
BACKGROUND

A. Background Information Regarding the Site and Surrounding Area

The Site is located at 3146 16th Street, N.W and includes Lot 831 in Square 2595. Square 2595 is located in the northwest quadrant of the District and is bounded by Lamont Street on the north, a public driveway and 16th Street on the east, Irving Street on the south, and Mt. Pleasant Street on the west. (See plats attached hereto as Exhibit A) The Site includes 14,714 square feet of land area. The Site is located within the R-5-D District (See Zoning Map attached hereto as Exhibit B), and the Mount Pleasant Historic District The Site is currently improved with a vacant building last used as the Meridian Hill Baptist Church.

B. Description of Proposed Development

As shown on the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit C, the project contemplates demolishing a portion of the existing church building on the Site, which was severely damaged in a fire several years ago that started in a building to the west of the church building. The project will include the construction of two new residential wings of the building, one at the rear of the church and one to the south of the church. The building will include a total of approximately 64,382 square feet of gross floor area, which will be comprised of 57 residential units. The project also includes 32 off-street parking spaces located in a below-grade parking garage.

The project has been reviewed by the staff of the State Historic Preservation Office ("HPO"), and the Applicant is continuing to work with HPO to refine certain elements of the building's design. The proposed residential use of the Site is consistent with the Site's R-5-D zoning designation. However, due to a number of site and design constraints, including the Applicant's restoration and conversion of the existing historic church structure on the Site, the Applicant is seeking area variance from the rear yard and court width requirements of the Zoning Regulations.

The project has been reviewed by the staff of the State Historic Preservation Office ("HPO") and the Historic Preservation Review Board ("HPRB"). As indicated in the HPRB Staff Report and Recommendation attached hereto as Exhibit D, HPO recommended that HPRB approve the project in concept, subject to further

revisions The Applicant is continuing to work with HPO to refine certain elements of the building's design, and the Applicant is requesting flexibility from the BZA such that if the zoning relief is granted, the Applicant shall have the flexibility to modify the design and internal layout of the building to address any comments from HPO and HPRB during final review of the project so long as the modifications do not require any additional areas of zoning relief.

V.
**THE APPLICANT MEETS THE BURDEN
OF PROOF FOR VARIANCE RELIEF**

Variance relief is required from the rear yard (§404 1) and court width (§406 1) requirements in this case Under D C Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist.

- (1) the property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition,
- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map

See French v District of Columbia Board of Zoning Adjustment, 658 A 2d 1023, 1035 (D C 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D C 1980)); see also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A 2d 939 (D C.

1987). As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this application

A. The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. See Clerics of St. Viator, Inc v D C Board of Zoning Adjustment, 320 A 2nd 291, 294 (D C 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property Gilmartin v. D.C Board of Zoning Adjustment, 579 A 2nd 1164, 1168 (D C. 1990).

In this case, the condition, size and dimensions of the existing historic landmark building on the Site, the HPO mandates for redeveloping the Site, and the dimensions of the Site, combine to create an exceptional situation. As noted above, the Site is improved with a church that was constructed in 1916, with an addition constructed in 1927. The building was continuously used as a church until it was abandoned in 2008 because of severe damage from a fire. Moreover, the development proposal involves the retention and restoration of the most significant portion of the existing historic structure, which will ultimately comprise the eastern portion of the proposed building. Developing the project around, and incorporating portions of the existing historic structure on the Site, combined with incorporating a design which can be supported by HPO, creates several design constraints. For example, as noted in the HPO staff report attached as Exhibit D, one of the major

recommendations from HPO is to limit the visibility of any additions so as to not impact the views of the Church's façade from 16th Street. Thus, the Applicant is not building to the height permitted in the R-5-D District, and is instead locating the mass of the proposed new construction on the relatively narrow portion of the site area to the west and to the south of the portion of the building to remain. HPO also had a number of comments regarding the location and design of windows, which impacts where and how the proposed units can be located in the portion of the remaining structure in order to have light, air and ventilation. Overall, these recommendations, combined with the condition, size and dimensions of the existing building on the Site, impact the overall footprint and layout of the proposed interior spaces and generate the need for zoning relief.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner

(a) Rear Yard Requirements of Section 404.1

The strict application of the rear yard requirements in this case would result in a practical difficulty to the Applicant. Pursuant to Section 404.1 of the Zoning Regulations, all structures in the R-5-D District are required to provide a rear yard with a minimum depth of 4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet. Thus, a 26.3 foot rear yard is required in this case.

As shown on the Plans, the existing building provides a rear yard ranging from 0 to 5 feet. The Applicant proposes to increase the rear yard to 6 feet at the

southern-most portion of the building and extending to 15 feet for the remainder of the building. In order to comply with the minimum rear yard depth requirement in this case, the Applicant would be required to set the building back an additional 20.3 feet at the southern-most portion of the building, and an additional 11.3 feet for the remaining portion of the building. However, due to the design constraints imposed by incorporating a portion of the historic building on the Site into the new development, it is practically difficult to comply with the rear yard requirement in this case.

Due to the relatively narrow width of approximately 55 linear feet of developable area at the rear of the Site, increasing the rear yard depth would result in the loss of a significant amount of gross floor area that cannot be relocated elsewhere on the Site due to the location of the portion of the historic structure to be incorporated into the project, and HPRB's requirement to limit the mass of the new construction behind the existing building. The loss of this area would make it practically difficult to renovate and convert the existing building into residential use. As shown on the Plans, the proposed addition includes residential units measuring approximately 32 feet by 22.7 feet and a single-loaded corridor with a width of 5.7 feet. The width of the single-loaded corridor is dictated by building code requirements and the need to provide adequate spaces for accessing the units. Thus, increasing the rear yard depth would decrease the size of the residential units by approximately 32%, which would result in the units being extremely small and unmarketable, or a number of units being lost.

Moreover, increasing the rear yard depth would have an adverse impact on the location and function of the building's core features, such as the location of the elevators and egress stair towers. Due to the location of the original church which is to be incorporated into the project, the elevator and core features have been located along the southern portion of the building, which is the most efficient location given the site's constraints. Increasing the rear yard depth of the building in this area would require shifting all of the building's core features to the east. This would have an adverse impact on the layout of the units, and would also have an adverse impact on the garage since shifting the elevator to the east would place it in the area being utilized for the garage ramp.

(b) Court Width Requirement of Section 406.1

The strict application of the court width requirements in this case would result in a practical difficulty. Although not required for zoning purposes, the project includes 3 open courts: one along the northern property line, one along the southern property line, and one above the existing historic structure. Pursuant to Section 406.1 of the Zoning Regulations, open courts in the R-5-D District are required to have a minimum width of 3 inches per foot of height of court, but not less than 10 feet. Relief is required in this case since the open court located along the northern property line has a width of 4.5 feet, but is required to have a width of 10.7 feet, and the court located along the southern property line has a width of 6 feet but is also required to have a width of 10.7 feet.

The Applicant cannot increase the width of the open court located along the

northern property line because that court is bounded to the south by the existing historic structure, which cannot be demolished in order to increase the court width. The Applicant cannot increase the width of the open court located along the southern property line because that court is bounded to the north by the existing historic structure, and given the relatively narrow area available for this wing of the building, increasing the width of the court on the south would result in a significant number of practical difficulties and design changes to the interior configuration of the building. As shown on the Plans, the units in this portion of the building are relatively long and narrow, with a width of approximately 23 5 feet at the widest point, and approximately 16 feet at the narrowest point. Increasing the court width at this portion of the building would decrease the size of these units by approximately 23%, which would severely impact the layout of these units and render them infeasible in terms of unit layout. Moreover, increasing the court width, and thereby decreasing the width of this wing of the building, would also require decreasing the garage ramp by approximately 4 4 feet from approximately 16 feet to 11 6 feet, which is extremely narrow and would adversely impact the functionality of the garage ramp. Thus, it would be practically difficult for the Applicant to comply with the open court width requirements in this case.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zone plan by approving the project as proposed. The rear yard relief will not create any adverse impacts since

the Applicant is increasing the existing rear yard depth from 0 to 5 feet, to 6 to 15 feet, which significantly exceeds the rear yard depth which existed with the building addition to be demolished. With respect to the court width relief, the northern-most court is an existing condition. Moreover, the courts requiring relief are internal and thus will not impact the adjacent properties to the north or south of the Site. In addition, the court areas are provided so that a number of units can have light, air and ventilation, which, given the configuration of the existing building on the Site, could not otherwise be provided.

VI. COMMUNITY SUPPORT

The Applicant has the support of the community for the requested zoning relief. Advisory Neighborhood Commission ("ANC") 1D, the ANC in which the site is located, voted 4-0-2 to support the requested zoning relief at its meeting on January 17, 2012.

VII. WITNESSES

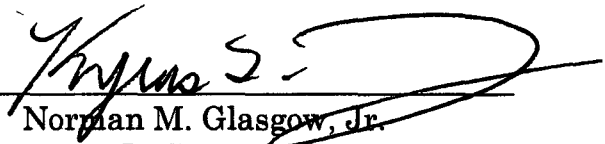
A	Clark Wagner, The Bozzuto Group,
B	Thomas Johnson, AIA, Martinez & Johnson Architecture, and
C	Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP

VIII.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By 

Norman M. Glasgow, Jr.

Kyrus L. Freeman

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