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October 31, 2012

VIA HAND DELIVERY

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

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Re: **Application No. 18442 – 1400 Spring Road NW (Square 2689, Lot 859)**
Prehearing Statement of the Applicant

Honorable Members of the Board:

On behalf of the Applicant in the above-referenced case and pursuant to 11 DCMR §3113.8, we hereby supplement the filings made with the initial application and supplemental submission and offer the following as the Prehearing Statement of the Application. This statement is submitted on behalf of 1400 Spring Road, LLC (the "Applicant"), the owner of the property located at 1400 Spring Road NW, Lot 859 in Square 2689 (the "Property") in support of its application for an area variance from lot occupancy (§772.1) and rear yard (§774.1) requirements under §2001.3 to allow the Applicant to convert a church to a three-story, twelve-unit apartment building in the C-2-A District at the Property.

Area Variance Criteria

The Board is authorized to grant an area variance where it finds: (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

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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). The Applicant is seeking a variance from the nonconforming structure requirements (§2001.3) regarding lot occupancy (§772.1) and rear yard requirements (§774.1).

I. Exceptional Circumstance:

The Property is exception due to a confluence of factors. First, Lot 859 is the largest lot in Square 2689. Second, the Property has unique and incompatible layouts due to prior use as a church including two stairwells, several inefficient rooms, and awkwardly located bathrooms and kitchens. Finally, the property contains two existing nonconformities - 100% lot occupancy and no rear yard.

II. Strict Application of the Zoning Regulations would Result in Practical Difficulty

Adherence to the 60% lot occupancy requirement would require the Applicant to tear down 40% of the existing structure. The proposed project reduces lot occupancy to 88% but full compliance would require costly demolition and provide too little space to have an economically feasible project.

Adherence to the 15 foot rear yard requirement would require demolishing the existing rear wall which removes lateral support for the neighboring structure and jeopardizes its structural integrity. Compliance with lot occupancy or the rear yard would exacerbate the existing inefficiency of the building's core features, caused by the prior layout as a church, including the hallway, the width and depth of the units, as well as the overall layout and orientation of the existing rooms. The loss of this square footage would make it practically difficult for the Applicant to develop an economically feasible structure without zoning relief.

III. No Detriment to Public Good or Inconsistency with Zone Plan

The proposed project will not cause detriment to the public good or be inconsistent with the Zoning Regulations. The footprint of the existing structure will be reduced. In addition, the project

injects new life into an underutilized space, adds to the housing supply, and reduces nonconforming lot occupancy. The Applicant conducted extensive outreach to the neighboring property owners and received 8 letters of support. The Applicant presented the project at the ANC 1A meeting on September 12, 2012 and obtained a resolution in support.

A draft of the 14th Street Corridor Vision and Revitalization Strategy prepared by the Office of Planning and presented to the District Council supports the type of project proposed in this Application. The Revitalization Strategy has labeled the area on 14th Street from Shepherd Street to Spring Road as Node One. The Office of Planning's primary goal for Node One is to draw on the success of Columbia Heights by pulling additional customers from that area. The Revitalization Strategy states:

The key for implementing revitalization along Node One from Spring Street to Shepherd Street is to draw on its connection south to Columbia Heights. Strengthening the visual, pedestrian, and business connections to Columbia Heights will help Node One capitalize on the economic activity there and seek to draw consumers to shops and services in the node. Instead of trying to compete with the national retailers and big box stores to the south, businesses should offer alternative retail options and experiences not available in the Columbia Heights to draw in customers. Improvements to the streetscape and more active sidewalks will help solidify this connection.

The 14th Street Corridor Vision and Revitalization Strategy, p25-26 (emphasis added).

The proposed project adequately balances the Zoning Regulations' goals of protecting neighboring properties and modernizing a property to a more desirable use and fits perfectly into the Office of Planning's goals in Node One.

Witnesses

The following witnesses will appear on behalf of the Applicant:

1. Ryan Samuel, Developer on behalf of 1400 Spring Road, LLC
2. Hugo Roell, Architect on behalf of Roell Architects PC

Conclusion

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filing in this case, we hereby submit that the application meets the requirements for area variance relief. We look forward to presenting our case to the Board on November 13, 2012.

Sincerely,
GRIFFIN & MURPHY, LLP

A handwritten signature in black ink, appearing to read 'M. H. Moldenhauer', written over a horizontal line.

By: Meredith H. Moldenhauer

Enclosures:
Advisory Neighborhood Commission 1A
Karen Thomas, Office of Planning

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Executive Summary

Case No. 18442

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Site Description

Address: 1400 Spring Road, NW
Square/Lot: Sq. 2689, Lot 859

Zoning: C-2-A

Existing/Prior Use: Church

Historic District: None

Project Description

Applicant	1400 Spring Road, LLC
Proposal	Apartment Building
Relief Sought	2001.3 Nonconforming structure requirements: ➤ 772.1: Lot Occupancy ➤ 774.1: Rear Yard Requirements
Variance Standard	Exceptional Circumstance: Confluence of Factors - Prior inefficient layout as a church - Large size of the lot - Existing nonconformance: 100% lot occupancy - No rear yard Strict Application Results in Practical Difficulty: - Compliance with lot occupancy or rear yard requirements would require Applicant to tear down a large portion of the existing structure. - Creation of rear yard jeopardizes structural integrity of neighboring party wall by removing support. - Economic infeasibility due costly demolition, reconfiguration of existing inefficient layout, and loss of square footage required for compliance. - Applicant would suffer a practical difficulty in reasonably developing and marketing a project that complies with the Zoning Regulations. No Detriment to Public Good: - Revitalizes and enlivens an underutilized structure - Provides needed addition to housing supply - Reduces non-conforming lot occupancy

Comments of District Agencies and Community:

- Support from ANC 1A
- 8 Letters of Support from Neighbors