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October 22, 2013

Via Hand Delivery

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

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Re **BZA Application No. 18633 / National Community Church**
Prehearing Statement

Dear Board Members.

On behalf of National Community Church (the "Applicant"), enclosed please find one original and 11 copies of the prehearing statement and exhibits for the above-referenced application, which is scheduled to be heard before the Board on November 5, 2013. Also enclosed with this letter is the updated development information for Form 135 - Zoning Self-Certification. For your convenience, the original prehearing statement and exhibits are unbound.

Thank you for your considerate attention to this matter. We remain hopeful of your favorable review of this application.

Very truly yours,

HOLLAND & KNIGHT LLP

By Leila Batties
Leila M. Jackson Batties

Enclosures

cc Mr. Richard Nero, Office of Zoning (via email)
Ms. Jennifer Steingasser, Office of Planning (via email)
Mr. Joel Lawson, Office of Planning (via email)
Mr. Arthur Jackson, Office of Planning (via email)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18633
EXHIBIT NO. 28

Atlanta | Boston | Chicago | Fort Lauderdale | Jacksonville | Lakeland | Los Angeles | Miami | New York | Northern Virginia | Orlando
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Board of Zoning Adjustment
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Board of Zoning Adjustment
for the District of Columbia
October 22, 2013
Page 2

Advisory Neighborhood Commission 7B c/o M Ashby (via email)
Commissioner Zina Williams, SMD Representative ANC 7B-02 (via email)



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
2826 Q St. SE, Washington DC 20020	5583	0804	R-5-A

Single-Member Advisory Neighborhood Commission District(s) ANC 7B-02

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☒ §3103 2 - Area Variance	☒ §3104 1-Special Exception
Pursuant to Subsections			334 1, 352.1, 411 11

Pursuant to 11 DCMR §3113 2, the undersigned agent certifies that

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia,
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia, and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)

 Owner's Signature		Jim Tanious Owner's Name (Please Print)	
 Agent's Signature		Ravi Waldon Agent's Name (Please Print)	
Date	10/22/13	D.C. Bar No	
		or	Architect Registration No. ARC 100168

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113 2, or ☐ 11 DCMR - Zoning Regulations
Explanation _____	
Signature	Date

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. _____

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

- 1 All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
- 2 Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N W, Suite 200-S, Washington, D C 20001. (All applications must be submitted before 3 00 p m)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq ft)	5,166	as prescribed by board pursuant 3104		5,166	none
Lot Width (ft to the tenth)	103.32'	as prescribed by board pursuant 3104		103.32'	none
Lot Occupancy (building area/lot area)	53%		40%	56.2%	3.2%
Floor Area Ratio (FAR) (floor area/lot area)	1.65		0.9	1.88	0.23
Parking Spaces (number)	5	5		5	none
Loading Berths (number and size in ft)					
Front Yard (ft to the tenth)					
Rear Yard (ft to the tenth)	12.46'	20'		12.46'	none
Side Yard (ft to the tenth)	27.82'	10'		19.32'	none
Court, Open (width by depth in ft)					
Court, Closed (width by depth in ft)					
Height (ft to the tenth)	30'		40'	40'	none

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.



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

**APPLICATION OF
NATIONAL COMMUNITY CHURCH**

**BZA APPLICATION NO. 18633
HEARING DATE: NOVEMBER 5, 2013**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted by National Community Church, (the "Applicant"), the owner of the parcel located at 2826 Q Street, S.E., which is more particularly described as Lot 804 in Square 5583 (the "Property"). The Property is within the boundaries of ANC 7B-02. The Applicant seeks special exception approvals and certain variances from the Zoning Regulations in order to permit the reuse of the Property as a community service center in the R-5-A District. Specifically, the Applicant asks that the Board grant approval of the following:

1. special exception approval to permit a community service center in the R-5-A District, pursuant to Sections 334.3 and 352.1;
2. special exception approval for relief from the roof structure requirements pursuant to Sections 411.11 and 3104,
3. a variance from the nonconforming structure requirements of Section 2001.3;
4. a variance from the structural alteration limitations of Section 334.3;
5. a variance from the floor area ratio (FAR) requirements of Section 402.4;
6. a variance from the lot occupancy requirements of Section 403.2; and
7. a variance from the rear yard requirements of Section 404.1.

The relief requested will allow for the reuse of the Property as a community service center. The proposed reuse is appropriate for the site and fully compatible with the surrounding area.

This prehearing statement is submitted in accordance with Section 3113.8 of the Zoning Regulations.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the special exception approvals and variances requested pursuant to Sections 3103 and 3104 of the Zoning Regulations.

III. EXHIBITS IN SUPPORT OF THE APPLICATION

<u>Exhibit A:</u>	Revised Architectural Drawings
<u>Exhibit B:</u>	Photographs of Property and surrounding uses and structures
<u>Exhibit C:</u>	Resume of Steven E. Sher, Holland & Knight, expert witness in the area of land planning and zoning

IV. BACKGROUND & PROJECT DESCRIPTION

A. Overview of Subject Property and Surrounding Area

The Property is located at 2826 Q Street, S E., which is more particularly described as Lot 804 in Square 5583. Square 5583 is located in the southeast quadrant of the District and is bound on the north by Pennsylvania Avenue, on the south by Q Street, on the west by 28th Place, and on the east by 30th Street. The Property consists of approximately 5,166 square feet of land area. It is located within the R-5-A District and is currently improved with a 3-story brick apartment

building The existing building, which is in serious disrepair, was constructed in 1942 and has been vacant for the past 22 years

The Property is surrounded by residential uses. Across the street, on the south side of Q Street is a low-rise apartment building and townhomes. Immediately north and east of the Property are low-rise apartment buildings. To the west, on the other side of 28th Place, SE, are attached single family homes. Like the Property, the surrounding neighborhood is also zoned R-5-A, which is intended to permit all types of urban residential development, so long as it conforms to the height, density, and area requirements established in the Zoning Regulations. The R-5-A District also permits the construction of institutional and semi-public buildings that are compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts. 11 DCMR § 350.1.

Photographs of the Property and the surrounding uses are attached as **Exhibit B**.

B. Project Description

The Applicant proposes to renovate the existing vacant apartment building on the Property for use as a community service center with office, meeting rooms, and multi-purpose rooms throughout and an indoor basketball court/multi-purpose recreation space on the third floor. The community service center will have a gross floor area of approximately 9,712 square feet. The existing building envelope will remain intact, with the exception of an addition on the east side of the building to accommodate a second stairwell, as required by the Building Code, and an increase

in building height from 30 feet to 40 feet to accommodate the indoor basketball court/multi-purpose recreation space on the third floor of the building.

C. Background on Applicant

The Applicant, National Community Church ("NCC"), is an inter-denomination church with multiple sites around the Washington, DC metropolitan area. Its first church service was held in January 1996 at the Giddings School near the Capitol Building in Southeast DC. Nine months later, the school was closed due to fire code violations and NCC found its new home at the movie theaters at Union Station. In September of 2003, NCC launched its second location in the Ballston Common Mall Movie Theaters in Northern Virginia. Doing church in the middle of the marketplace became part of NCC's DNA and the church began coming up with new ways for church and community to intersect. By October of 2009, NCC had launched services at movie theaters in Georgetown and in Kingstown (in Virginia) and was continuing to grow. Over the next few years, services were available at the movie theaters at Potomac Yard in northern Virginia and in northwest DC at the GALA Theatre. In the spring of 2006, NCC purchased an abandoned building one block from Union Station, rehabilitated the building and opened Ebenezer's Coffeehouse.

NCC owns and operates the Southeast White House ("SEWH"), which is located at 2909 Pennsylvania Avenue, SE, just around the corner from the Property. The SEWH serves as a place of reconciliation, a refuge and resource center, and a ministry to children and families. The mentoring programs at the SEWH provide

holistic caring relationships with children and families to enable young people to graduate from high school, avoid early parenthood, and avoid the criminal justice system.

D. Community Outreach

The Applicant presented its plan for the reuse of the Property to ANC 7B on September 22, 2013. At that meeting, ANC 7B recommended that the discussion on the application be continued to the October 17th ANC meeting in order to give the Commissioners sufficient time to further consider the application. At the October 17th meeting, the ANC supported the reuse of the Property as a community service center and voted in favor of the application.

**V.
THE APPLICANT MEETS THE BURDEN
OF PROOF FOR THE REQUESTED SPECIAL EXCEPTION RELIEF**

Relief granted through special exception approval is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, "[t]he Board's discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulations."¹ If the applicant meets its burden, the Board must ordinarily grant the application ²

¹ *Gladded v District of Columbia Board of Zoning Adjustment*, 569 A.2d 249, 255 (D.C. 1995) quoting *Stewart v District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D C 1973))

² *Id.*

A. Community Service Centers in Residential Districts

The Property is located in the R-5-A District. Under Section 352.1, any use or structure permitted as a special exception in an R-4 District, pursuant to Section 334, shall be permitted as a special exception in an R-5 District if approved by the Board.

Section 334.1 of the Zoning Regulations permits the Board to approve, as a special exception, the establishment of community service centers in R-4 Districts that are 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, including job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, subject to the following.

1. *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 community service center proposed for the Property will be located so that it is not likely to become objectionable to the neighborhood. The existing building orientation and configuration will remain such that the main entrance to the building will be on Q Street. Activities are planned to be held inside the building, nothing in the community service center design or programming is expected to generate any noise or other objectionable impacts to the surrounding residences. In fact, it is expected that the reuse of the building as a community service center will improve this section of the neighborhood by redeveloping a

blighted property, re-activating this corner of Q Street and 28th Place, SE and providing a place for the community to come together

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

The Applicant seeks a variance from Section 334.3 of the Zoning Regulations in order to construct a three-story addition on the east side of the building; to increase the building height from 30 feet to 40 feet; and to make changes to the building's existing structural systems. The existing building is framed with concrete slabs on steel framing with perimeter masonry bearing walls and punched openings. The following changes need to be made to repair/replace the existing damaged structural members and change the building circulation and program:

Repair / Replace existing damaged structural members

- Existing lintels above windows around building perimeter are at various levels of disrepair and have rust damage. Due to prolonged exposure to moisture, any lintel with rust must be replaced.
- The area walls located at the basement windows are in very poor condition, especially at the building front where the walls are cracked and have separated from the building face.
- The existing windows are covered only with plywood; therefore the building has been passively exposed to the elements for a long time. There is structural damage due to moisture intrusion in several locations. An open roof hatch has been letting moisture penetrate into the building causing structural deterioration.
- Ceiling joists in the southwest corner of the 3rd floor are damaged and in need of repair.
- Rust has been found throughout the building in the webs of steel girders, along the length of the columns in the west space, at the cap plates and bolts.

of the girder to column connections. Any member that has experienced section loss will need to be repaired to its original condition or be replaced.

- Cracks were observed in the floor slabs at the western most columns, originating at the column and extending to the perimeter of the wall on each floor. The floor slab will need to be repaired in these locations. Otherwise it is in serviceable condition and will remain in tact with the exception of localized repairs, leveling, and cutting for new elevator shaft, stairs, and chases.

New Building Circulation

- Per the Building Code, the community service center is required to have two means of egress out of the building. The Applicant needs to demolish the existing stairway in the center of the building. The existing steel frame associated with the stairway needs to be partially modified and partially removed, as it conflicts with the new building program, including open multi-purpose recreation spaces on the second and third floors.
- On the west side of the building, the Applicant proposes to relocate the existing central stairway and add a new elevator shaft, both of which will require modifying the existing structure and adding new structural components.
- The plans for the community service center propose a new three-level stairway on the east side of the building that will require brand new walls and structural framing.

New Building Program

- The existing wood framing of the roof will need to be removed in order for the third floor level to be increased in height for the proposed recreation space. However, as stated earlier, damage to the ceiling joists on the third floor already create the need for removal and/or replacement in certain locations.
- The new building program will impose a higher live load on the framing, changing it from residential loads (40 psf) to either office (50 psf + 20 psf partitions, 80 psf in corridors) or assembly (100 psf). Based on the report provided by the structural engineer, the existing structure can potentially support the load increase for office use, but will require strengthening in the floors for assembly live loads.

3 *Section 334.4 - The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located*

The use of the Property as a community service center is reasonably necessary and convenient to the Randle Heights neighborhood where the Property is located. As a community service center, the premises will promote the social and economic well-being of the neighborhood by providing youth mentoring, spiritual and emotional development, community service, and academic, social, and cultural activities. In addition to bringing a new use that is compatible with the neighborhood, the community service center will improve the aesthetics and vibrancy of the neighborhood through the reuse of a structure that is vacant and in serious disrepair.

4. *Section 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 community service center is not being organized for profit and no part of its net income will insure to the benefit of a private shareholder or individual. Further, NCC is a non-profit entity and no part of its net income inures to the benefit of a private shareholder or individual.

B. Relief from Requirements for Roof Structures

Section 3104 1 of the Zoning Regulations states that the Board is authorized to grant special exceptions where, in its judgment, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and zoning maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and zoning maps. Additionally, under

Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR § 411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

In this case, special exception approval is required for the roof structures because there will be three separate roof enclosures -- two stair towers and an elevator penthouse -- where Section 441.3 requires a single enclosure for all roof structures. Also, the elevator penthouse and the stair tower on the east side of the building do not meet the 1:1 setback requirement of Section 400.7(b). The elevator is not set back from the building wall, however it has been located in the back northwest corner of the building to be the least visible from 28th Street. The elevator must be located on the western half of the building to access the Cellar Level. The east stair tower is 8'-6" high and is set back 8'-4" from the edge of the new addition and is close to the building edge in the southeast corner.

The location and number of the roof structures are driven by the configuration of the existing building, Building Code requirements, and the location of the building core features. Specifically, the elevator penthouse and the additional, non-compliant stair tower are necessary to comply with the ADA and

Building Code, which require multiple means of egress for buildings at separate locations. Thus, each of the three roof structures is a necessary element. The design team has made great efforts to locate the roof stair enclosures away from the building edges while maintaining enough open floor space for the multi-purpose functions below. A mezzanine level has been created for the stairs to be set back away from the roof edge as they reach the roof level, while not impeding on the basketball court below. Also, the roof enclosures have been separated instead of designed as single large structure to ensure adequate light and air to adjacent property and abutting streets, and the location of the enclosures will help to reduce the visibility of the roof structures from Q Street and 28th Place. For these reasons, the roof structures as proposed are in harmony with the purpose and intent of the zoning provisions.

VI.
THE APPLICANT MEETS THE BURDEN
OF PROOF FOR THE REQUESTED AREA VARIANCES

A. Standard of Review for Area Variances

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 condition or situation;
- (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.³

The D.C. Court of Appeals has determined that, to satisfy the practical difficulty element of the area variance test, an applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome" and that the practical difficulty is "unique to the particular property."⁴ The Court has further stated that "the severity of the variance(s) requested;" "the weight of the burden of strict compliance;" "the effect the proposed variance(s) would have on the overall zone plan;" and the "increased expense and inconvenience to applicants for a variance are among the proper factors for BZA's consideration" in determining whether to grant an area variance.⁵ As discussed below, all three prongs of the area variance test are met in this Application.

1. The property is affected by exceptional size, shape or topography or other extraordinary or 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.⁶ Moreover, the unique or exceptional situation or condition may arise from a confluence of factors that affect a single property.⁷

³ 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)

⁴ *Gilmartin v District of Columbia Board of Zoning Adjustment*, 579 A 2d 1164, 1170 (D C 1990)

⁵ *Id.* at 1171

⁶ See *Clerics of St Viator, Inc v D C Board of Zoning Adjustment*, 320 A 2d 291, 294 (D C 1974)

⁷ *Gilmartin v D C Board of zoning Adjustment*, 579 A 2d 1164, 1168 (D C 1990)

In this case, the exceptional condition affecting the Property is that it is improved with a 3-story apartment building that was constructed in 1942 and has been vacant for the past 22 years. The building does not comply with ADA or Building Code standards and is in serious disrepair. These factors, coupled with the programming requirements for a community service center, affect the improvements necessary for the reuse of the apartment building. For example, the three-story addition proposed on the east side of the building is to accommodate a second stairwell required under the Building Code. Also, the Applicant will increase the building height from 30 feet to 40 feet to accommodate the recreational space and recreational activities proposed for the third floor of the building. This is an important amenity of the community service center. The building addition and the additional floor result in an increase in the FAR and the lot occupancy for the Property, which already exceed the standards provided in the Zoning Regulations.

2. The owner would encounter practical difficulties if the Zoning Regulations were strictly applied.

The Applicant would encounter practical difficulties if required to comply with Section 334.3 (limitations on structural alterations); Section 2001.3 (existing non-conforming structures) for reasons Section 402.4 (FAR); Section 403.2 (lot occupancy); and Section 404.1 (rear yard) for the reasons discussed below.

a. Variance from Section 334.3 Structural Changes. Section 334.3 prohibits structural changes to a community service center building except those required by municipal laws or regulations. In this case, as previously described, the Applicant proposes to repair and/or replace existing damaged

structural members of the building; change the building circulation with new stairways and a new elevator; and change the building program by increasing the building height from 30 to 40 feet and increasing the lift loads. The level of programming and services intended for the community service center are not feasible without these changes to the building.

b. Variance from Section 2001.3 Existing Non-Conforming Structures. For a non-conforming structure devoted to a conforming use, Section 2001.3 of the Zoning Regulations permits enlargements or additions to the existing non-conforming structure where (a) the structure conforms to the percentage of the lot occupancy requirements and (b) the addition or enlargement conforms to the use and structure requirements and neither increases or extends any existing, non-conforming aspect of the structure nor creates any new non-conformity of structure and addition combined.

In this case, the existing building does not comply with the FAR and lot occupancy requirements for the R-5-A District as set forth in Sections 402.4 and 403.2 of the Regulations, respectively, and the Applicant proposes to increase these non-conforming aspects of the building. The current FAR for the Property is 1.65 where a FAR of 0.9 is permitted under the Zoning Regulations. With this application the Applicant proposes to increase the floor area of the building from 9,378 s.f. to 9,712 s.f., which results in an increase in the FAR from 1.65 to 1.88. Also, the Property currently has a lot occupancy of 53% where a lot occupancy of 40% is permitted. The building

addition proposed under this application will result in an increase in the lot occupancy from 53% to 56.2%. The reuse of the apartment building as a community service center without relief from the FAR and lot occupancy requirements would result in a practical difficulty for the Applicant since the current building layout is not sufficient to support the programming intended for the community service center and the building addition is necessary to accommodate a second stair tower that is required under the Building Code.

c. Variance from Section 402.4 Section 402.4 of the Zoning Regulations permits a maximum FAR of 0.9 in the R-5-A District. As noted above, the existing FAR on the Property is 1.65 and under this application, the FAR will increase from 1.65 to 1.88. In order to comply with Sec. 402.4 of the Zoning Regulations, the Applicant would have to reduce the existing floor area of the building. This would be practically difficult to achieve because reducing the size of the existing building would significantly increase the cost to rehabilitate the building and adversely impact the value of the Property.

d. Variance from Section 403.2 Section 403.2 of the Zoning Regulations permits a maximum lot occupancy of 40% in structures (other than a church or public school) in the R-5-A District. As noted above, the existing building and improvements on the Property have a lot occupancy of 53% and under this application, the lot occupancy will increase from 53% to 56.2%. In order to comply with Sec. 403.2 of the Zoning Regulations, the Applicant would have to reduce the building footprint. This would be

practically difficult to achieve because reducing the building footprint would significantly increase the cost to rehabilitate the building and adversely impact the value of the Property.

e. Variance from Section 404.1 Rear Yard. Section 404.1 of the Zoning Regulations requires a minimum rear yard of 20 feet in the R-5-A District. In this case, the existing rear yard on the Property is 12.45 feet, and will remain as such with the proposed reuse of the building as a community service center. Increasing the rear yard along the north property line to comply with the rear yard requirement would be practically difficult because it would require a substantial modification to the building footprint. This would be practically difficult for the Applicant to achieve because reducing the building footprint to comply with the rear yard requirements in this case would significantly increase the cost to rehabilitate the building and adversely impact the value of the Property

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.

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the Zone Plan if the Board grants the requested variances. The proposed rehabilitation and reuse of the existing vacant building as a community service center will be a neighborhood amenity because it will substantially improve a currently blighted property and it will offer

an array of services to promote the social, economic, cultural and academic advancement of the residents in the immediate neighborhood.

**VII.
WITNESSES**

1. Joel Schmidgall
National Community Church
205 F Street, NE
Washington, DC 20002
2. Christa Thomas, AIA
Waldon Studio Architects
6325 Woodside Court, suite 310
Columbia, MD 21046
3. Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
800 17th Street, NW - Suite 1100
Washington, DC 20006

**VIII.
CONCLUSION**

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

Respectfully submitted,

HOLLAND & KNIGHT LLP

By. *Lela Batties*
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