

**BZA APPLICATION
1456-60 CHURCH STREET, N.W.**

Statement of Existing and Intended Uses

The proposed development site at 1456-60 Church Street is presently improved with vacant, 19th century buildings. The Application intends to redevelop the site with a new residential building with approximately 38 units.

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**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 18638
EXHIBIT NO. 6

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BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application of Rosebusch LLC and Gregg M. Busch
1456-60 Church Street, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

Rosebusch LLC and Gregg M. Busch ("Applicant"), propose to construct an eight-story apartment building with approximately 38 units at 1456-60 Church Street, N.W., Washington, D.C. (Square 209, Lots 65, 66 and 67). The site, which is presently improved with three nineteenth century buildings, contains approximately 3,420 square feet of land. It is located in the Arts/C-3-A District and also falls within the boundaries of the Fourteenth Street Historic District.

II. Relief Requested

Because of the extremely small size of the development parcel; its narrow width; the historic buildings that must be maintained, repaired and renovated on the site; and other extraordinary and exceptional conditions inherent in the property, the Applicant seeks the following special exception and variance relief.

A. Special Exception Relief

1. Roof Structures (§§ 770.6 and 1902.1(a)):

Housing for mechanical equipment, a stairway or elevator penthouse on the roof of a building or structure must be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located. All equipment is to be placed within one enclosure, and the enclosing walls from the roof level must be of equal height. Here, the irregular shape of the lot requires the applicant to seek relief from these provisions.

The Applicant proposes to construct three separate roof structures of unequal height in order to minimize their overall mass and views from the street. The egress stairs will be located on the east and west sides of the building and will rise to a height of eight feet, six inches. The elevator penthouse will be located slightly off-center on the roof, rising to a height of 14 feet, eight inches. These deviations from the roof structure standards are necessary in order to minimize their appearance from the street. The surrounding walls will be of quality material to integrate them into the overall design of the building. Thus, the roof structures will still meet the spirit and intent of the Zoning Regulations.

Additionally, the Applicant seeks relief from the Uptown Arts Overlay provision that limits any roof structure to a maximum height of 8 feet, 6 inches. Here, the Applicant proposes that a portion of the roof structure to rise to a height of 14 feet, eight inches, in order to accommodate the necessary elevator override equipment. The elevator core has been pushed back to the center of the building to limit its view from the street. The penthouse will also be integrated into the overall design of the new structure to ensure its compatibility with the Fourteenth Street Historic District, in which it is located.

2. Rear Yard Depth (§774.2)

In the C-3-A District, a building must provide a rear yard with a minimum depth of 2.5 inches per foot of vertical height, but not less than 12 feet. Based on the overall building height of 75 feet as measured at the rear of the structure, the Applicant is required to provide a rear yard of 15.6 feet deep. Here, the Applicant proposes a rear yard of 13.6 feet deep, or 2 feet less than the requirement. Pursuant to section 774.2 of the Zoning Regulations, the Board may waive the rear yard requirements pertaining to a C-3-A District provided that the following standards are met:

- *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*

The proposed building fronts on Church Street to the north, and a 10-foot wide public alley to the south. A seven-story residential building abuts the site to the east. To the west is a four-story portion of a larger seven-story residential building. The proposed residential building has been designed to ensure sufficient light and air, and to protect the privacy of the residential occupants. Each unit in the building will front on either the street or alley elevations of the building. Consequently, all units will be provided sufficient light, air and privacy.

- *In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*

The proposed building has been designed to limit the angle of sight lines and maximize the distance of penetration of sight lines into habitable rooms. The principal windows overlook the street or alley so that light and privacy are adequately protected.

- *The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.*

The proposed building plan adequate off-street service functions, including parking sufficient for the demand for the building. No loading facilities are required or provided for the building, although access will be available from the service alley.

- *Upon receiving an application for an approval under §774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Department of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

The Applicant has met with the Office of Planning and has received concept approval from the Historic Preservation Review Board for the project.

B. Variance Relief

1. Lot Occupancy (§2604.2) -- The Applicant is availing itself of the Inclusionary Zoning bonus density under section 2604.1 of the regulations. Pursuant to section 2604.2, buildings in the C-3-A District may occupy up to 80 percent of the lot in order to achieve the IZ bonus density. Here, the Applicant seeks relief to increase the lot occupancy to 85 percent. The slight increase is necessary given the narrow width and small size of the site.

2. Number of Parking Spaces (§2101.1) -- the Applicant is required to provide two parking spaces for every unit, or in this case, a total of 19 spaces. Instead, because of the small floor plate and its configuration, only two spaces will be provided.

III. Burden of Proof

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

A. Exceptional Condition or Situation

The Applicant will demonstrate that the property is constrained by its small size, its narrowness and extensive street frontage. These conditions inherent in the property create practical difficulties in complying with the strict requirements of the parking provisions, as described below.

B. Resulting Practical Difficulty

Strict adherence to the parking requirements would require 19 full-size parking spaces for the 38-unit residential building. The Applicant proposes to provide two spaces at the rear of the building just off the alley. Given the narrowness of the site and the historic buildings on the site, the Applicant cannot excavate the site to provide a below grade garage. Similarly, because of the set backs and design constraints imposed to protect the historic buildings on the site, the Applicant must increase the lot occupancy to 85 percent in order to achieve the permitted bonus density, which is designed to off-set the increased costs and burdens of the IZ requirements.

C. No Harm to Public Good or Zone Plan

The Applicant will demonstrate that the requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. With respect to the public good, the development will allow the repair and renovation of contributing buildings to the historic district. The new residential building will also be a significant contribution to the community and help fulfill the housing goals of the city.

The zone plan will not be compromised, as the proposed project will include at least two parking spaces, which are adequate to serve the needs of the prospective residents given the site's close proximity to public transportation. The property has the highest Walk Score of 100, and is considered a walker's paradise. It is within several blocks of the Dupont Circle Metrorail Station and is served by numerous Metrobus lines, earning it a Transit Score of 96 and is likewise considered a rider's paradise.

IV. Conclusion

Pursuant to section 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. Through the Applicant's written statement, and through testimony and evidence presented at the public hearing, the Applicant will demonstrate how it meets its burden of proof to obtain the Board's approval of the requested relief.

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