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Executive Summary

Case No. 18780

Site Description

Address: 2709 N Street, NW
Square/Lot: Sq. 1236, Lot 803

Zoning: R-3

Existing: Church

Historic District: Georgetown HD

Public Transportation:

- Metro: Dupont Circle
- Metrobus Routes: G2, 31, 32, 36, 38B, D5, DC Circulator
- Capital Bikeshare:
 - M St & Penn. Ave. (19 docks)
- Car Sharing:
 - Zipcar: (6 spaces)
 - Car2Go

Cases:

- *Palmer*
- *Clerics of St. Viator, Inc.*
- *Gilmartin*
- *Bernstein*

Project Description

Applicant	2709 N Street, LLC
Proposal	3-unit Dwelling
Relief Sought	§320.3: Use variance to allow three-unit dwelling
Variance Standard	Exceptional Circumstance: Confluence of Factors • Property is occupied by a historic church, with several features including an historic entryway and windows, which must be preserved. • Existing nonconformities of the church. • The size of the lot and existing church structures are exceptionally large. Strict Application Results in Undue Hardship: • Matter of right, two-unit structure would result in large, unmarketable units • Conversion to two residential units would result in awkward layouts with inefficient and wasteful use of space and a lack of adequate light and air. • Preservation of historic features and rehabilitation of the existing church limit the feasibility of alternative configurations. No Detriment to Public Good: • Renovating and rehabilitating the historic structure. • Reduction in the intensity of use. • Contributes to diverse and adequate housing stock.

Comments of District Agencies and Community:

- On agenda for Sept 2 ANC2E meeting.
- Letter of Support from the Foundation for the Preservation of Historic Georgetown

Board of Zoning Adjustment
 District of Columbia

LAW OFFICES
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

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August 26, 2014

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

Re: Application No. 18780 – 2709 N Street, NW
Prehearing Statement of the Applicant

Chairperson Lloyd Jordan and Honorable Members of the Board:

On behalf of the Applicant, 2709 N Street, LLC, enclosed please find the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on September 9, 2014.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP


By: Meredith H. Moldenhauer

Enclosures:

Cc: Advisory Neighborhood Commission 2E
c/o Ron Lewis, Chair (via email)
Single Member District 2E06 Representative, Tom Birch (via email)
Office of Planning (via email)
Cliff Moy, Board of Zoning Adjustment (via email)

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

**APPLICATION OF
2709 N STREET, LLC**

**2709 N STREET NW
ANC 2E**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of 2709 N Street, LLC (the “Applicant”), the contract purchaser of property located at 2709 N Street NW (Square 1236, Lot 803)(the “Property”) in support of its application for a use variance under §320.3 to allow the Applicant to convert a historic church into a three-unit dwelling in the R-3 District at the Property.¹

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the variance relief requested pursuant to §3103.2 of the Zoning Regulations.

III. EXHIBITS

Exhibit A: Revised Site Plan
Exhibit B: Color Renderings
Exhibit C: Letter of Support from the Foundation for the Preservation of Historic Georgetown

IV. APPLICANT MEETS BURDEN OF PROOF FOR VARIANCE RELIEF

The Board is authorized to grant a use variance where it finds that the Applicant meets the three-prong use variance standard. As described in the Amended Application, supplemented in this Prehearing Statement, and as will be further explained at the public hearing, all three prongs of the use variance test are satisfied. While not part of this Application before the BZA, the Applicant will leave Lot 804 in its

¹ Townhomes 1, 2, and 3 in the Revised Site Plan, at Exhibit A, will be part of a three-unit condominium.

historically unimproved state rather than construct a single-family matter-of-right townhome on that lot as initially planned in response to concerns expressed during the Applicant's community outreach. See Revised Site Plan at Exhibit A; see also Color Renderings at Exhibit B.

A. The Property is Unusual Because of its Size, Shape or Topography and is Affected by an Exception 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. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

As described in detail in the prior submissions, the Property is characterized by an exceptional situation and condition as a result of a confluence of the following factors: (1) the presence and location of the historic church; (2) the existing nonconforming aspects of the existing structure; and (3) the large size of the lot.

B. Strict Application of Zoning Regulations Would Result in Undue Hardship to the Owner

The Applicant has requested a use variance from §320 to allow a three-unit dwelling at the Property. Strict application of the zoning regulations would preclude the use of the property for any purpose to which it may be reasonably adapted and result in an undue hardship to the Applicant. The R-3 District permits row dwellings, detached and semi-detached single family homes, and other miscellaneous uses. As a result of the exceptional conditions at the Property, including the presence and location of a historic church that must be preserved pursuant to the specific requests of the Commission of Fine Arts and Historic Preservation Office, the existing nonconforming aspects of the Property, and large size of the lot and existing structure, the Property cannot be adapted to a matter-of-right use in the R-3 District.

The church building is very large relative to its land area. The existing lot is currently 5,015 square feet and the footprint of the church is approximately 3,790 square feet. Without dividing the structure into separate units, the residential unit created would be too large to market. With three conventional stories, the existing church, once converted to a single-family home, would be roughly 11,370 square feet. An 11,370 square foot single-family home would not be marketable in a building of this type at this location.

The unit size, location, and configuration proposed in this application is dictated by the size and configuration of the church, the market demand for units of a certain size, in this neighborhood, in buildings of this type, the location of existing historic windows which must remain for historic purposes, and the entry and circulation pattern necessary to prevent the need for subdivision or side entry. The design of the entry and circulation pattern is also based on a discussion with the Historic Preservation Office and Commission of Fine Arts and neighboring property owners concerned about privacy. See Amended Application, Correspondence with Historic Preservation Office at Exhibit C. Accordingly, the Applicant has proposed a three-unit layout with entry through the original church doors and a common hallway that extends toward the rear of the structure.

The Initial Application requested area variance relief to allow subdivision of the Property and two single-family homes, each with their own entrance. Based on correspondence with the Historic Preservation staff and Commission of Fine Arts, it is anticipated that subdivision in this manner and entry on the western side of the structure would be rejected. See 10 DCMR §2715. While the Applicant was previously able to more efficiently utilize the available space through use of a side entrance, the anticipated denial of the subdivision by HPO requires the Applicant to reorient entrance and circulation for the units at the Property. Accordingly, the Applicant proposes to convert the structure into three units with a common entryway and corridor. The long and narrow existing historic structure, the large size of the church relative to the lot, and large historic entryway which cannot be substantially modified, makes a design with two units difficult. With a common entryway and corridor, the light available along the

western lot line goes to the common hallway rather than entering the units themselves. With a two-unit structure, the front unit would have an entire wall without access to light. Division into a third unit allows for a reduction in the size of the units, improved layouts and orientation, and proper utilization of the existing window openings to allow for adequate light in each of the rooms and units.

Without subdivision, the proposed project entails less destruction of the historic fabric of the existing church. Subdivision into two units would require a large firewall between the units, which would have compromised a significant portion of the ceiling and roof structure. In contrast, the three-unit structure without subdivision does not require the firewall, allowing the historic features of the ceiling and roof to be maintained. Furthermore, the common corridor without subdivision allows removal of the separate private entrances associated with subdivision. Thus, without subdivision, a three unit layout allows for enhanced preservation of the historic structure.

Therefore, strict application of the Zoning Regulations with respect to use of the Property would result in an undue hardship to the Application.

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

Granting the zoning relief requested would not impair the intent, purpose, and integrity of the zone plan. The proposed project will restore, renovate, and preserve the existing historic Alexander Memorial Baptist Church while providing a residential use compatible with the R-3 District.

Furthermore, use as three dwelling units, as opposed to the church use, will substantially reduce the intensity of the use at the Property and drastically decrease the degree of existing nonconformity with respect to the parking requirement. A typical Sunday service has 60 people, 20 of which attend Sunday school. Bible study and prayer service, held each Tuesday, consists of roughly 20 attendees. Choir rehearsal, held each Thursday, typically has 20 people. Once a month, the church holds a leadership meeting consisting of roughly 25 people. Therefore, use as a three-unit condominium will greatly reduce

the intensity of the use at the Property and will decrease the on-street parking demand in the surrounding area.

V. COMMUNITY OUTREACH

The Applicant has worked closely with neighboring property owners in rehabilitating the Property. The original BZA hearing was scheduled for June 17, 2014. The Applicant requested a continuance to allow for further community outreach and additional opportunity to work with the party status applicants. The Applicant has made several concessions in response to the feedback obtained from the community. First, several surrounding neighbors and historic preservation advocacy groups expressed a preference that Lot 805 remain unimproved. While not before the Board of Zoning Adjustment, the Applicant has agreed to forgo development of Lot 805 as was originally intended, permitted as a matter-of-right, and instead preserve that lot as an open, private garden.

Between the time the Applicant filed the Initial Application and Amended Application, the Citizens Association of Georgetown (“CAG”) and the N Street Neighbors filed party status requests in opposition to the Application. CAG cites the occupancy of the vacant lot, obstruction of the western portion of the rectory, and lack of parking. Despite attempts to relocate the single-family house on Lot 805, in the end the Applicant conceded to the preference of the opposition parties and agreed to preserve that land as open and unimproved. Each of these issues has been resolved by the Applicant and CAG has agreed to withdraw opposition in connection with an agreement to record a historic easement on the vacant lot and Hall House.

The N Street Neighbors cite the lack of parking, proximity of the residential units to the rear and east of the Property, and increased density. Parking is not at issue in this case as the Application does not seek parking relief. That being said, the conversion to residential use drastically decreases the parking requirement at the Property relative to the prior church use. The proximity of the residential units to

neighboring properties cannot be altered without demolition of portions of the historic church. With respect to density, as stated, use as three dwelling units, as opposed to the church use, will substantially reduce the intensity of the use at the Property.

The Applicant is on the agenda for the September 2 ANC 2E meeting. The Foundation for the Preservation of Historic Georgetown, a DC nonprofit institution composed of citizen volunteers committed to the preservation of the historic district in Georgetown, has expressed support for the adaptively reuse the church as a three-unit residential use. *See* Letter from Foundation for the Preservation of Historic Georgetown at Exhibit C.

VI. WITNESSES

The following witnesses will appear on behalf of the Applicant:

1. Sas Gharai, on behalf of the Applicant; and
2. Reverend Jesse W. Plater, Senior Pastor on behalf of Alexander Memorial Baptist Church

VII. CONCLUSION

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

Respectfully submitted

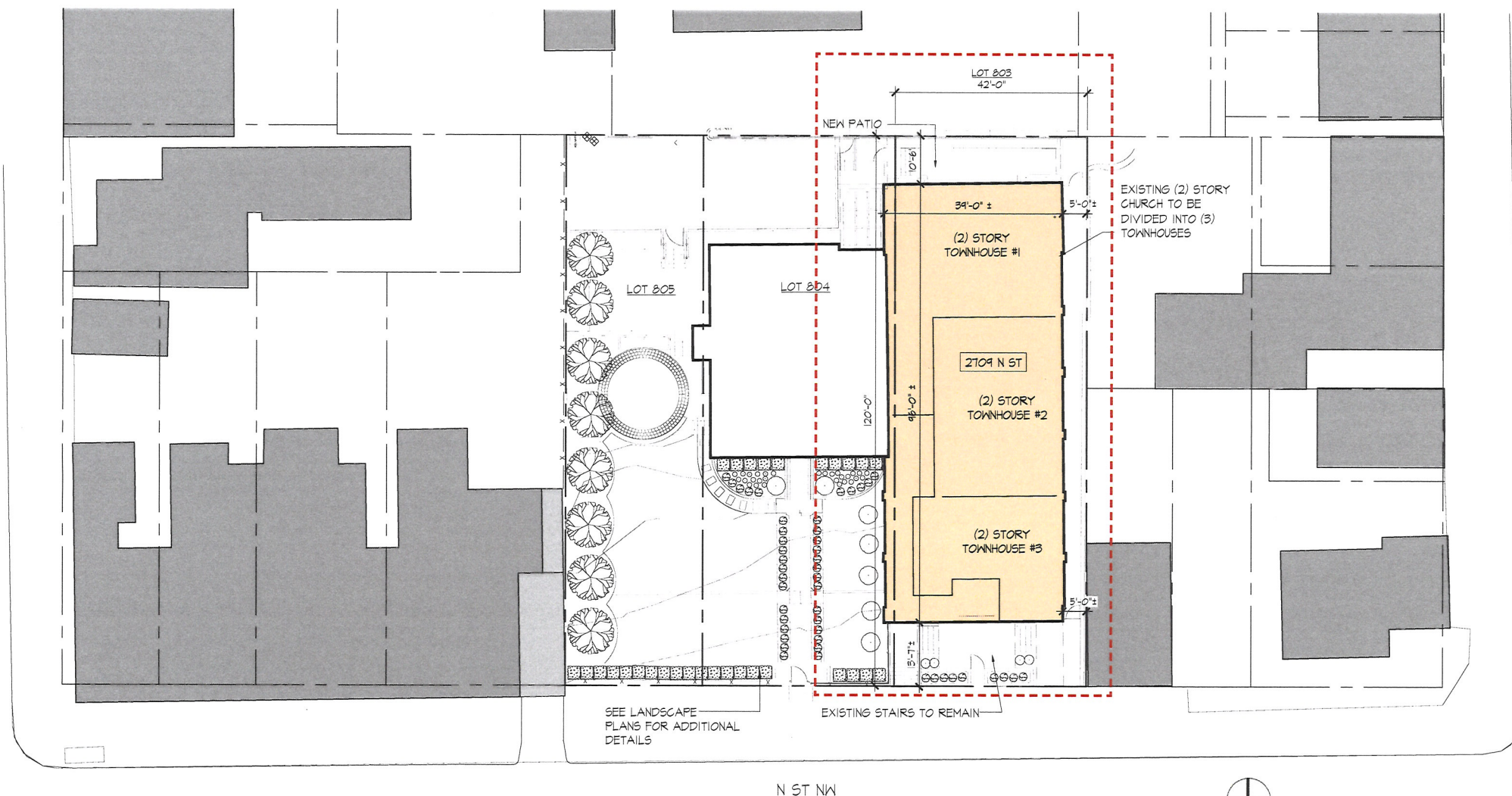
GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

By:



Meridith H. Moldenhauer
Eric M. Daniel
1912 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 429-9000

Exhibit A



2709 N STREET NW, WASHINGTON, DC

PROPOSED SITE PLAN

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SCALE: 1"=20'

DATE: 08/14/14

SK-3

Exhibit B



2715 N STREET NW, WASHINGTON, DC

AERIAL VIEW

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DATE: 08/14/14

SK-9



View from entry looking northwest



View looking northeast



2715 N STREET NW, WASHINGTON, DC

GARDEN CONCEPT RENDERINGS

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DATE: 08/14/14

SK-10

Exhibit C



Box 3603 Georgetown Station, Washington, D.C. 20007

August 12, 2014

Via E-Mail (anc2e@dc.gov and cfastaff@cfa.gov) and U.S. Mail

Ms. Melinie Gisler
Executive Director
Advisory Neighborhood Commission 2E
3265 S Street, NW
Washington, DC 20007

Mr. Thomas Luebke
Secretary
Old Georgetown Board
U.S. Commission of Fine Arts
401 F Street, NW, Suite 312
Washington, DC 20001-2728

Re: Submission Regarding Development Project Located at 2709-2713 N Street, NW

Dear Ms. Gisler and Mr. Luebke:

The Foundation for the Preservation of Historic Georgetown (the "Foundation"), a DC nonprofit institution composed solely of citizen volunteers committed to the preservation of the historic district in Georgetown, previously wrote to you by letter dated April 16, 2014 expressing our concerns regarding the above referenced proposed development by the SGA Companies, Inc. ("SGA").

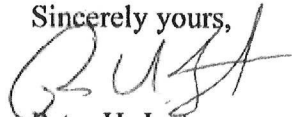
Specifically, the Foundation suggested that any approved design retain the historic building design of Hall House and that the open space on the west side of the Hall House, known as lot 805, remain as a garden.

The Foundation has had an opportunity to review the recently revised plans by SGA as communicated to us by SGA email transmittals dated July 14, 2014 and July 31, 2014, respectively, and we are pleased to note that the Foundation's concerns stated in our letter dated April 16, 2014 have been adequately addressed by SGA. Accordingly, the Foundation has no objection to the latest design submitted by SGA so long as it continues to adhere to the plan

Ms. Melinie Gisler
Mr. Thomas Luebke
August 12, 2014
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announced to us of: (1) leaving lot 805 perpetually vacant and combining it into one lot with the Hall House lot, (2) restoring the Hall House to single family use, and (3) an adaptive reuse of the Church into two to three townhomes.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "P. Jost", written over the typed name.

Peter H. Jost
President