

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 2, 2014

SUBJECT: BZA Case 18780, 2709 N Street NW – use variance to convert a church into a three-unit apartment building.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following use variance:

- § 320 R-3 Districts (church use existing, three residential units proposed).

Although the Subject Property is currently nonconforming in regard to its lot occupancy (§ 403.2), rear yard (§ 404.1), and side yard (§ 405.9), the Applicant maintains that area variance relief from these sections is not necessary because no alteration to the exterior of the church is proposed, even though some of the zoning requirements differ for a church and an apartment house in the R-3 zone.¹ The Applicant has not requested relief from these requirements and, subsequently, OP has not provided this analysis.

II. LOCATION AND SITE DESCRIPTION

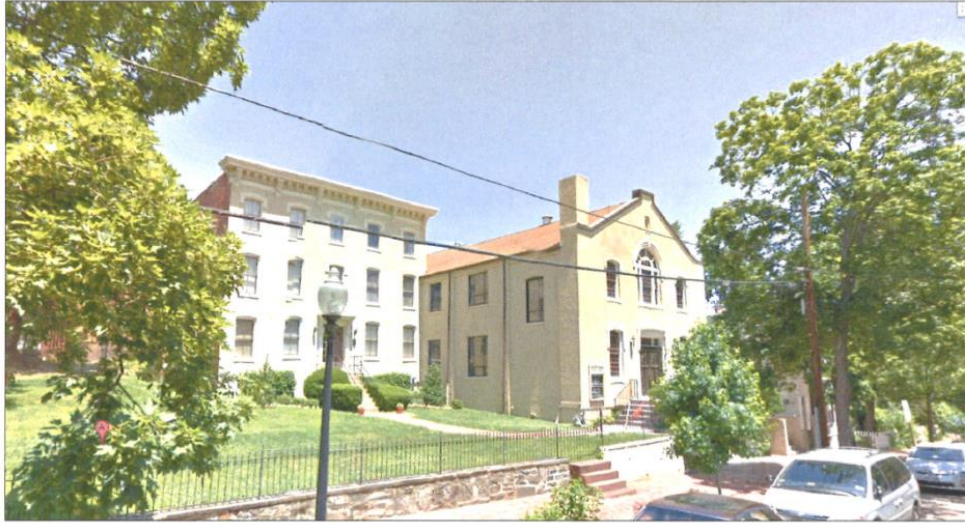
Address	2709 N Street NW (the “Subject Property”)
Legal Description	Square 1236, Lot 803
Ward	2
Lot Characteristics	The lot is approximately 5,015 square feet. It includes approximately 42 feet of frontage along N Street NW.
Zoning	R-3 – Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings), churches and schools.
Existing Development	The property is improved with the Alexander Memorial Baptist Church, an existing three-story historic structure with an overall size of approximately 11,370 square feet.
Historic District	Georgetown Historic District

¹ The Applicant cites § 2001.2 Nonconforming Structures Devoted to Conforming Uses, which states that “*except as provided in §§ 2001.11 and 2001.12, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, shall be permitted.*”

Adjacent Properties	Adjacent properties include the church rectory to the west on Lot 804, which is also owned by the Applicant.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by two and three story rowhouses. There are several other church uses in the immediate vicinity, including Epiphany Catholic Church. Additionally, Rose Park is located across 27 th Street NW, to the east of the Subject Property.

III. APPLICATION IN BRIEF

Proposal:	2709 N Street, LLC, (“the Applicant”) proposes to convert an existing historic church, constructed in 1909 and located on Lot 803, into a three-unit dwelling. Lot 804, which includes an historic rectory and is also included in the transaction, would be preserved and converted to a single-family home as a matter of right. Lot 804 would be subdivided, moving the lot line on the western portion of the lot up to the existing rectory. The side yard would be removed and the rectory would become a compliant attached rowhouse. Lot 805, which is currently vacant, would remain unimproved in response to community concerns during the Applicant’s outreach process. No relief is sought for lots 804 and 805 and they are not the subject of this application. No parking is proposed. Original Proposal: The Applicant’s previous submission to the Board, dated April 14, 2014, proposed subdividing the lot into two separate lots and creating two dwelling units in the existing building. The Applicant indicated that Historic Preservation Office staff, as well as the Commission of Fine Arts, would not support an entry on the western side of the structure. Current Proposal: The Applicant’s current submission to the Board, dated May 30, 2014, amended the application to include a request for a use variance for the creation of an apartment building with three residential units. Each dwelling unit would be two stories and approximately 2,000 sf. The exterior of the structure would remain unchanged.
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FRONT OF CHURCH AND RECTORY FACING NORTHEAST FROM N STREET NW



Subject Property

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed	Relief
§ 320.3 R-3 Districts: General Provisions	The following uses shall be permitted as a matter of right in an R-3 District: (a) Any use permitted in an R-2 District under § 300.3; and (b) Row dwelling	Church use	3 dwelling units	Relief required
§ 400.1 Height	Dwelling: 40 ft. Church: 60 ft.	40 ft.	40 ft.	None required
§ 401.3 Lot Area	3,000 sf.	5,015 sf.	5,015 sf.	None required
§ 403.2 Lot Occupancy	Row Dwelling: 60% Church: 60% “Other”: 40%	81%	81%	No change
§ 404.1 Rear Yard	20 ft.	7 ft.	7 ft.	No change
§ 405.9 Side Yard	8 ft.	4.5 ft.	4.5 ft.	No change

V. OFFICE OF PLANNING ANALYSIS

a. Use Variance Relief from § 320.3 R-3 Districts

Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions which result in an exceptional and undue impact upon the owner of the property?

The presence and location of the historic church creates an exceptional situation where reasonable use cannot be made of the Subject Property in a manner consistent with the Zoning Regulations. The Applicant states that the migration of congregants to areas outside of the immediate area was a factor which drove the Alexander Memorial Baptist Church’s decision to sell the Subject Property to the Applicant. Further, the Applicant states that reuse of the structure as a religious facility by another congregation would be unlikely, and there are several other existing churches in the immediate vicinity.

The requirement to preserve the church’s historic features results in design and programmatic challenges. The structure is located within the Georgetown Historic District and is listed on the DC Inventory of Historic Sites. As a result, the

Applicant must retain the existing structure. Therefore, significant alterations to the church's exterior would likely not be possible.

The size of the lot and building contributes to an exceptional situation for the Applicant. The existing lot is larger any other residential lot on the square. The relatively large size of the existing structure creates a practical difficulty because without dividing the structure into separate units, a single residential unit would be a potentially unmarketable 11,370 square feet.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Relief could be granted without substantial detriment to the public good. The Applicant proposes no alterations to the exterior of the historic structure. Further, the creation of three residential units would not introduce an intensity of use out of character with the neighborhood. Use of the structure as three dwelling units, as opposed to the church use, will substantially reduce the intensity of the use at the Subject Property.

The existing lot is over 5,000 square feet and the existing building is approximately 11,000 square feet. Dividing the structure into three residential units, each with approximately 2,000 square feet, would not result in units out of scale with the R-3 zone, but would facilitate the retention and reuse of the historic structure and maintenance of the open space.

The Applicant maintains that a single entry and corridor with three units would allow all units to have better access to light; however, it is unclear from the Applicant's statement how a three unit structure would allow for better access to light than a two unit structure would.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 2E. The Applicant is on ANC 2E's agenda for their September 2nd, 2014 meeting. Several neighbors have filed party status requests with the BZA in opposition to this application. Many of the comments focused on the Applicant's previous plan to build a single-family house on Lot 805.