

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

**APPLICATION OF
2709 N STREET, LLC**

**2709 N STREET NW
ANC 2E**

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 area variances from the requirements regarding lot area (§401.3), lot occupancy (§403.2), rear yard (§404.1), and side yard (§405.9) to allow the Applicant to convert a historic church into two single-family homes in the R-3 District at the Property.

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. BACKGROUND

A. Background Information Regarding the Property

The Property contains approximately 5,015 square feet of land area and is located in Northwest Washington, D.C. The Property has approximately 42 feet of frontage along N Street NW. *See* Baist Atlas Map at Tab 8. The Property is in the R-3 District. The Property is improved with the Alexander Memorial Baptist Church. The Property is located within the Georgetown Historic District and is listed on the DC Inventory of Historic Sites.

Also included in the transaction regarding Lot 803 and the church, the Applicant has obtained other parcels associated with the church use including Lots 804 and 805. Lot 804 and the historic rectory

on that parcel will be preserved and converted to a single-family home as a matter of right. Lot 804 will be subdivided, moving the lot line on the western portion of the lot up to the existing rectory. Thus, the side yard will be removed and the rectory will become an attached rowhouse. Lot 805, currently vacant, will have a new single-family semidetached house. Due to the existing historic church, the parking requirement is met as a result of parking credits under §2101.1 and under §2120 regarding parking for a historic resource.¹

B. Description of the Improvements in the Surrounding Area

Square 1236 is bounded on the south by N Street, the west by 28th Street, the north by Dumbarton Street and the east by 27th Street NW. Also on the square is the Epiphany Catholic Church as well as several single-family rowhouses. Rose Park is located across 27th Street to the east. The Square is located in the R-3 Zone District. *See Zoning Map at Tab 9.*

C. Description of the Traffic Conditions and Mass Transit Options in the Surrounding Area

The Property is located across from Rose Park in Georgetown. The Property is in close proximity to the Dupont Circle neighborhood and a variety of mass transit and other transportation options for both residents and visitors. The Property is located 0.9 miles from the Dupont Circle Metro entrance. Moreover, Metrobus route G2 runs along 28th Street NW with a stop on 28th Street between Dumbarton Street and N Street NW. Metrobus routes 31, 32, 36, 38B, D5 and the DC Circulator run along M Street NW with a stop at 30th and M Street NW. In addition, the Property is within close proximity to a number of the District's bikesharing and carsharing programs. A Capital Bikeshare station is located at M St & Pennsylvania Avenue NW (19 docks). A number of Zipcar spaces are located within walking distance

¹ The existing church currently has a parking requirement as stated in §2101.1. The required parking spaces are not provided on site and are therefore treated as grandfathered parking credits. The parking requirement for the project is 1 space per dwelling unit. Thus no parking is required as a result of the parking credits. Furthermore, the project is exempt from providing parking under §2120 regarding parking for a historic resource and any additions thereto because the gross floor area of the historic resource is not being increased by 50% or more.

including 6 vehicles at 3053 M Street NW. Another local car-sharing program, Car2Go, reported in February 2014 that the use of the company's car-sharing service in the District had reached over 26,000 as of last summer and that the fleet was expanded from 300 vehicles to 450 vehicles to accommodate increasing demand. Walkscore.com gave the Property a walkscore of 95 and has deemed the Property a "walker's paradise," "very bikeable," and as having "excellent transit."

D. Description of the Proposed Development

As shown on the architectural plans, *see* Architectural Plans and Elevations at Tab 10, the Applicant proposes to convert the existing church into two single-family homes. The historic church will be preserved and restored. The western lot line for lot 803 has been shifted slightly to the left so that it is at the center of the existing party wall. lot 803 will be subdivided into two new lots, with the new lot 803 at the front ("Lot 803") and a second lot behind it ("New Lot #1"). Both lots will have 21 feet of frontage on N Street NW. The existing church structure will be divided into two single-family homes, one on each lot. The lots will be subdivided such that Lot 803 and New Lot #1 will contain semidetached single-family homes. A mutually beneficial easement for ingress and egress will be recorded against both lots in order to accommodate access.

IV. NATURE OF VARIANCE RELIEF AND STANDARD OF REVIEW

Area variance relief is required from the requirements regarding lot area (§401.3), lot occupancy (§403.2), rear yard (§404.1), and side yard (§405.9). 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 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 intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also*, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

Applicants for an area variance need to demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972)(noting that “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this Application.

V. APPLICANT MEETS BURDEN OF PROOF FOR VARIANCE RELIEF

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).

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.

The Property is located in the Georgetown Historic District and is currently improved with the historic Alexander Memorial Baptist Church building, which is listed on the DC Inventory of Historic Sites. The Alexander Memorial Baptist Church of Georgetown was formed after a split among members of the First Baptist Church on Dumbarton Street in the early 1900s. The congregation formally formed July 6, 1908, and the members erected the church on N Street in 1909. The Applicant has engaged in extensive dialogue with the Historic Preservation Office (“HPO”). HPO Staff has made multiple recommendations to preserve the character of the historic church. Renovating the historic church so the structure may be used as single-family homes, while preserving the historic character of the structure, presents challenges with respect to compliance with the zoning regulations.

Having been built in 1909, well before the zoning regulations went into effect, there are several existing nonconformities that must continue in order to preserve the historic structure. The Property’s existing lot occupancy is 81%, which is above the 60% lot occupancy permitted for a church in the R-3 zone district and above the lot occupancy permitted for any residential use. Also, the Property has an existing nonconforming side yard on the eastern side of the structure and an existing nonconforming rear yard.

The Property is currently 5,015 square feet. The existing lot is significantly larger than any residential lot on the square and is one of the larger lots in Georgetown. The Alexander Memorial Baptist Church has a *footprint* of roughly 3,500 square feet. If used for residential use, as intended by the R-3 zone district, the sheer size and requirement to preserve the historic features of the structure present design and programmatic challenges.

For the reasons outlined above, the Property is subject to an exceptional circumstance.

B. Strict Application of Zoning Regulations Would Result in Practical Difficulty to the Owner

Strict application of the zoning regulations with respect to lot area (§401.3), lot occupancy (§403.2), rear yard (§404.1) and side yard (§405.9) would result in a practical difficulty to the Applicant.

1. Lot Area (§401.3)

The minimum lot area required in the R-3 District is 3,000 square feet for a semidetached single family home. Lot 803 and New Lot #1 will be semidetached single-family homes. Lot 803, at 2,482 square feet and New Lot #1, at 2,760 square feet, will not comply with the 3,000 square foot lot area requirement for semidetached homes. Thus the Applicant has requested lot area relief under §401.3 regarding both lots.

The existing lot is currently 5,015 square feet and the footprint of the church is approximately 3,500 square feet. Without dividing the structure into separate units, which requires subdivision in the R-3 Zone District to comply with use provisions, 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 10,500 square feet. A 10,500 square foot single-family home would not be marketable in a building of this type at this location. The structure cannot be divided into additional units because apartment use is not permitted in the R-3 zone district. Therefore, strict application of the Zoning Regulations with respect to lot area would result in a practical difficulty to the Application.

2. Lot Occupancy (§403.2)

The maximum lot occupancy permitted in the R-3 District is 40% for a semidetached single-family home. Lot 803 at 78% lot occupancy and New Lot #1 at 76% lot occupancy will both exceed the

40% lot occupancy permitted for a semidetached single-family home. Thus, the Applicant has requested lot occupancy relief under §403.2 regarding both lots.

Strict application of the zoning code would require demolition of a substantial portion of the historic church, which would not be permitted by Historic Preservation Review Board, Commission of Fine Arts, or the Old Georgetown Board. Subdivision of any kind would also be prohibited as the resulting lots, regardless of how they are subdivided, will not comply with the lot occupancy requirement. Maintaining the existing nonconforming lot occupancy and lot dimensions would require use as a single-family home. As described above, a single-family home of such a substantial size would not be marketable. For these reasons, compliance with the lot occupancy requirement would result in practical difficulty to the Applicant.

3. Rear Yard (§404.1)

In the R-3 District, the rear yard requirement is 20 feet. The Property currently has a nonconforming rear yard of roughly 7 feet created by the existing historic church. While the existing rear yard will be unchanged, other than removal of a small bump out, and the Applicant is working entirely within the existing historic church, rear yard relief is required as a result of subdivision of the lot. As a result of subdivision, Lot 803 will have no rear yard and New Lot #1 will have a rear yard of 12 feet. HPO would not permit the Applicant to raze a portion of the historic church. Thus, strict application of the rear yard requirement would result in a practical difficulty to the Applicant.

4. Side Yard (§405.9)

In the R-3 District, a semidetached dwelling is subject to the side yard requirements of an R-2 district, which is 8 feet. 11 DCMR §§ 405.2 and 405.9. The Property currently has a nonconforming side yard. While the existing side yard will be unchanged, and the Applicant is working entirely within the existing historic church, side yard relief is required as a result of subdivision of the lot. As a result of

subdivision, Lot 803 and New Lot #1 both have semidetached dwellings with a side yard of less than 8 feet. Therefore, side yard relief is required with respect to both lots. Compliance with the side yard requirement would require demolition of a substantial portion of the historic church and prevent subdivision; thus, strict application of the zoning code with respect to the side yard would result in a practical difficulty to the Applicant.

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 single-family residential use as intended by the R-3 District. The relief requested is a result of preservation of the existing historic structures and the need to subdivide Lot 803 to create marketable single-family homes. Use as single-family homes, 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.

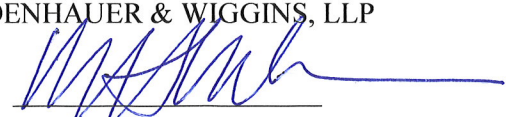
VI. CONCLUSION

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

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