

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

**APPLICATION OF
633 PARK, INC.**

**625 PARK ROAD, NW
ANC 1A**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of 633 Park, Inc. (the “Applicant”), the owner of property located at 625 Park Road NW, Lot 97 in Square 3038 (the “Property”) in support of its application for an area variance from the requirements regarding lot area (§401.3); courts (§406.1); and nonconforming structures (§2001.3) to allow the Applicant to convert a church to a multiunit dwelling and construct an addition in an R-4 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 herein pursuant to §3103.2 of the Zoning Regulations.

III. BACKGROUND

A. Background Information Regarding the Property

The Property, also known as Lot 97 in Square 3038, contains approximately 16,654 square feet of land area and is located in Northwest Washington, D.C. See Baist Atlas Map at Tab 9. The Property is located in Park View, within 4 blocks (.3 miles) of the Georgia Avenue - Petworth Metrorail station. The Property has approximately 117 feet of frontage along Park Road NW. The Property is presently improved with the Park View Christian Church, a 1 ½ story church with a basement built in 1905 and substantially modified in 1920 and a small rowhome on the southwest corner of the lot. The large open auditorium has a seating capacity of 500 persons. The Property is not located within any historic District, and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites. The

Property is, however, the subject of a Historic Landmark Application filed in February, 2014. The Historic Landmark Application seeks to preserve the Property for its “associat[ion] with events that have made a significant contribution to the broad patterns of our history.”

The Applicant purchased the Property over a year ago and has been engaged in extensive dialogue with the Office of Planning and the local community leaders about development for the Property. The Applicant was originally under the impression the Property could be developed as a PUD, with preservation of the church and other community amenities as the public benefits package. However, due to the size requirements for residential lots in the PUD regulations, a PUD is not permitted at the Property. The Office of Planning has also indicated that a map amendment is also not feasible as the designation on the Future Land Use Map does not warrant such an amendment. The Applicant submitted an application for demolition that has been delayed due to the historic landmark application. The design, layout, and other features of the project have all been dramatically impacted. For this reason, the Applicant seeks variance relief to preserve the historic church while providing an addition that will allow the project to move forward.

B. Description of the Improvements in the Surrounding Area

Square 3038 is bounded by Georgia Avenue to the west, Newton Place to the north, Park Road to the south and a public alley at to the east. Square 3038 is split zoned, with the western portion zoned C-3-A, and the eastern portion zoned R-4. *See Zoning Map at Tab 10.* The western portion of Square 3038 is occupied by the Bernice Elizabeth Fonteneau “Miss B’s” Senior Wellness Center, a Laundromat, several small retail establishments, and parking. The eastern portion of the Square is made up of several multiunit apartments, including 601 Park Road and 636 Newton Place, and attached rowdwellings.

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

The Property is well serviced by several public transportation facilities and services including Metro, Metrobus routes, Capital Bikeshare, and Zipcars. The Property is located approximately 0.3 miles from the Georgia Avenue Petworth Metrorail entrance. Moreover, Metrobus routes H1, H2, H3, H4 and H8 stop at the intersection of 13th Street NW & Columbia Road NW. Bus routes along Georgia Avenue NW, with a stop at Park Road and Georgia Avenue NW, include route 70. A few blocks to the north, at the intersection of Georgia Avenue & New Hampshire Avenue NW are also bus routes 60, 62, 63, 64, 79 and H8. 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 Georgia Avenue & New Hampshire Avenue NW (15 docks). Several Zipcar spaces are located within walking distance. Two spaces are located at Otis/Georgia Avenue NW and two spaces are located behind the Park Place Apartments near the Georgia Avenue Petworth Metrorail Station. Another local car-sharing program, Car2Go, has recently reported that the use of the company's car-sharing service had reached over 25,000 and that the fleet was expanded from 300 vehicles to 400 vehicles accommodate increasing demand. Walkscore.com classifies the Property as "very walkable," "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 11*, the Applicant proposes to preserve and convert a church to a multiunit dwelling and construct an addition. The Applicant, based on feedback from the ANC and, in accordance with the historic landmark application, will preserve the exterior of the existing church, which will not be changed. The church, after conversion to an apartment, will have 15 units. The cellar, first and second stories will each contain 5 units. Adjacent to the church, connected by a meaningful connection at the rear of the Property, the Applicant will construct a new structure with 26 units. The cellar and first floor will contain 6 units each. The second and third floors will contain 7 units each. In total, the project will provide 41 residential units at the Property.

Although no parking is required by the Zoning Regulations,¹ the Applicant is providing 8 parking spaces at the rear of the Property. D.C. law requires on bicycle parking space for each three units, resulting in a requirement of 14 bicycle spaces, which will be provided for onsite in a secure bicycle room. The lot occupancy, at 69%, does not require relief.² All other aspects of the project will conform to the Zoning Regulations.

IV. NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

Variance relief is required from requirements regarding lot area (§401.3); courts (§406.1); and nonconforming structure (§2001.3). 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*,

¹ Based on the prior use as a church, and 500 person seating capacity, the Property was required to provide 50 parking space. The existing church provides approximately 30 legal parking spaces. Thus, the Property has approximately 20 parking credits. Pursuant to §2101.1, the proposed project has a parking requirement of 14 parking spaces, thus no parking spaces must be provided and no parking relief is required. Notwithstanding, the proposed project provides 8 parking spaces.

² Under §403.2, the permitted lot occupancy for the conversion of a building or structure to an apartment is the greater of 60% or the lot occupancy as of the date of the conversion. The lot occupancy of the date of the conversion will be the proposed lot occupancy of 69%.

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. THE APPLICANT MEETS THE 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 Property is currently occupied by a church; (2) the existing nonconformities of the existing church; and (3) the Property is exceptionally large.

1. The Property is Currently Occupied by a Church

The Property has historically been used as the Park View Christian Church. The church building is very large relative to its land area and was built in two phases at two different times. There are no other

churches on Square 3038. As described, most other structures on the Square are commercial structures, multiunit apartments, and row dwellings. The building's existing configuration, including the 500 seat auditorium, as well as offices, a kitchen, and classrooms, presents design challenges with respect to conversion of the structure to residential use. The church also lacks basic features, presenting exceptional challenges for the Applicant. The Applicant must extend the plumbing and other needs associated with installing kitchen and bathroom facilities. See Photographs of Property at Tab 12. The existence of an obsolete structure on a parcel of land constitutes an exceptional situation or condition for variance relief. See *Clerics of St. Viator v. D.C. Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974).³ In this case, the 110 year old church building is no longer desirable for church purposes. The Applicant will preserve the existing church.

2. The Existing Nonconforming Structure

The existing church on the Property is a nonconforming structure. The church currently on the Property abuts the rear lot line. Thus, the Property currently has no rear yard and is an existing nonconforming structure. The church is one of the few lots on the Square with no rear yard. When built in 1905, a large hall behind the church was used as a meeting place. In 1920, major renovations were undertaken to integrate the hall into the redesign of the church building.

3. The Property is Exceptionally Large

The Property, at 16,654 square feet, is exceptionally large. While there is one large lot with a Laundromat along Georgia Avenue, which is zoned GA/C-3-A and is designated as mixed-use moderate density commercial/medium density residential on the future land use map, and two other large lots with

³ In *Clerics of St. Viator*, the decrease in enrollment at a religious seminary, due to historical circumstances and a change in the form of religious education, prevented the seminary from being able to sell or transfer the property to another similar use. The court held that the existence of the obsolete seminary use constituted an exceptional situation or condition for variance relief, and permitted the granting of a use variance to convert the seminary to convalescent or nursing home use.

multiunit apartments, all other lots on the Square are far smaller than the Property. The church initially occupied a much smaller lot, extending nearly lot line to lot line. Multiple properties to the west were later acquired to create a far larger lot. *See* Baist Atlas Map at Tab 9. The church has consolidated what was previously lots 806, 818, 819 and 81 into one large lot, designated as lot 97, which was sold as one property to the Applicant.

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); courts (§406.1); and nonconforming structure (§2001.3) would result in a practical difficulty to the Applicant. The D.C. Court of Appeals has held 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" *Gilmartin, supra* at 1170. In *Gilmartin*, the Court noted 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 the BZA's consideration. *Id.* at 1171.

1. Lot Area (§401.3)

Under §401.3, the conversion of a building or structure to an apartment house in the R-4 District is permitted, but requires a minimum of 900 square feet of lot area per apartment unit. In light of the existing church at the Property, the existing nonconformities, and the exceptionally large size of the Property, the Applicant, due to the pending landmark status application, must preserve the church, and proposes to convert it to a multiunit dwelling and construct an addition for a total of 41 units.

Construction of fewer units would result in large, unmarketable units. To strictly comply with the 900 sq. ft. rule, the lot could only accommodate 18 units. The average unit size would need to be nearly

1800 square feet of floor area to comply. However, 18 units of an average size of 1800 square feet would not be marketable in a building of this type at this location.

The unit size, location, and configuration proposed in the 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, and the physical limitations imposed by the interior bearing walls of the church building. Given the physical configurations and limitations, and the market demand, the Applicant has proposed 41 units in the church and the addition. Providing fewer units would result in excessively large units with dark and inefficient layouts. Creating larger units would not be appropriate for the market.

For the reasons detailed above, strict application of the zoning regulations with respect to lot area would result in a practical difficulty.

2. Courts (§406.1)

Under §406.1, a closed court has a required width of 4 inches per 1-foot of height, but not less than 15 feet. A closed court must also have an area greater than the twice the square of the required width of the court but not less than 350 square feet. Thus, the required width of the closed court is 13.33 feet and 356 Square Feet. The Applicant has requested relief to allow a closed court with a width of 10 feet and an area of 350 square feet. The closed court is required to allow window access to the units abutting it as is required by the building code. Furthermore, the closed court, if widened, would create odd spaces in the abutting units. Alternative configurations would make a double-sided corridor infeasible, create awkward units, and result in an inefficient use of space in the addition. Due to the presence of the existing church, increasing the size of the court would come at the expense of square footage of the residential units and substantially reduce the efficiency of the addition. Thus, strict application results in a practical difficulty to the Applicant because without the requested court relief.

3. *Nonconforming Structures (§2001.3)*

Under §404.1, the rear yard requirement is 20 feet. The Property currently has no rear yard.⁴ The lack of rear yard will remain and the addition will abut the rear lot line in the same manner as the existing church. While the rear yard has technically not changed in depth, the Applicant seeks relief from the nonconforming structure provision to allow more of the rear property line to be abutted by a structure. Because the existing structure, which is being preserved, abuts the rear property line, the addition must abut the rear property line to allow for continuity of the structure.

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

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by approving the zoning relief. The proposed project adaptively reuses and renovates an existing church for a residential use with appropriately-sized units in a residential neighborhood. Furthermore, the footprint, height, and exterior of the church will remain unchanged, with the addition allowing for additional complimentary residential units. Moreover, the proposed project adequately balances the zoning regulations' goals of ensuring adequate space for residents, providing a diverse and adequate housing stock, and permitting property owners to create marketable units. Finally, the additional residential units help address the well documented shortage of housing in the Washington D.C. area.⁵ For these reasons, approval of the zoning relief requested will not cause a detriment to the public good or zone plan.

⁴ The rear yard definition states that “[t]he rear yard shall be for the **full width of the lot** and shall be unoccupied” 11 DCMR 199.1 (emphasis added).

⁵ Over the next 20 years the Washington metropolitan area will need 700,000 new housing units by 2030, or roughly 36,500 each year to keep up with predicted population growth. However, if the pace of construction over the last 20 years continues, at roughly 28,000 new housing units per year, the region would only add about ¾ that much. Artemel, Agnes and Sturtevan, Lisa. *Washington’s Economic Future Depends on More Housing*. October 17, 2012. Greater Greater Washington. Found at: <http://greatergreaterwashington.org/post/16470/washingtons-economic-future-depends-on-more-housing/>.

VI. CONCLUSION

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

Respectfully submitted

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By: _____



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