

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

Application of Morton Street Mews LLC
ANC 1A

STATEMENT OF THE APPLICANT

This is the application of Morton Street Mews LLC ("**Applicant**") for a special exception to allow the conversion of a non-residential structure into an apartment house. The property that is the subject of this application is 777 Morton Street NW (Square 2894, Lot 98) (the "**Property**"). The Property is included in the R-4 Zone District. A portion of the District of Columbia Zoning Map is attached as Exhibit B, and a Surveyor's plat is attached as Exhibit C.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment ("**BZA**" or "**Board**") approve a special exception under Section 337 (conversion of a pre-1958 non-residential building to an apartment house) to allow an addition exceeding the height limit in Section 330.7.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1).

III. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Property is located in the Park View neighborhood of Ward 1. The Property contains approximately 9,027 square feet of land area. The Property is bounded to the north by a public alley and flat, to the south by Morton Street, to the east by a public alley, and to the west by new flats under construction. It is improved with a former church constructed circa 1905. The church has a tall pitched roof and two turrets at the front. The height of the church is 28.9 feet, measured to

the top of the turrets. Behind the original church structure is a one story addition. The building operated as a church until late 2014.

The surrounding area is primarily residential with some institutional use. The neighborhood contains a mix of two and three story row dwellings and flats, and two and three story apartment buildings. In addition, the Salvation Army owns and operates in a building directly across Morton Street to the south. Proximate to the Property to the west, the Applicant is constructing eight new flats.

IV. THE PROPOSED PROJECT

The Applicant proposes to preserve and convert the existing pre-1958 structure into an apartment house. The entire original 1905 structure will be extensively preserved and enhanced. The siding that now covers the church building will be removed, and the south, east, and, west façades will be restored with brick to closely resemble their original appearance. All original architectural details on the front (south) façade, such as the peaked roof and flanking turrets, will be retained. In addition, the gables on the west and east façades of the original church will be retained and restored.

The Applicant will renovate and construct an addition to the church to convert it to an eight-unit apartment building (the “**Project**”), as shown on the plans attached as Exhibit D. The Project is the second phase of a two-phase larger project being developed by the Applicant that includes the eight new flats under construction on the lots directly to the west.

To accommodate the proposed residential conversion, the church building will be renovated and expanded. Behind the front façade, a second floor addition will be added within the existing roofline of the existing church by adding dormers, windows, and a floor inside the structure. At the rear of the original church building, the existing one-story addition will be removed and a three story addition will be added. The converted and expanded building will be two stories for the front

portion and three stories for the back portion where the new addition will be constructed. Behind the turrets, the front half of the building will be approximately 20 feet tall, and the new addition (approximately 90 feet back from the street) will be 39.6 feet tall.

Except for one of the standards in Section 330.7, the Project will conform to the Zoning Regulations. Under Section 330.7(b), the maximum permitted height of an addition is 35 feet.¹ The Project will include a rear addition that is 39.6 feet tall, but it will otherwise conform to the design standards in Section 330.7. Thus, approval of a special exception for the height is necessary.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION FOR ADDITIONAL HEIGHT FOR AN ADDITION AND CONVERSION OF A NON-RESIDENTIAL BUILDING INTO AN APARTMENT HOUSE

Under Section 337 of the Zoning Regulations, a 40-foot tall addition to a pre-1958 non-residential building being converted to an apartment house is permitted if approved by the Board as a special exception. Sections 337.2 – 337.4 set forth the special exception criteria that the application must satisfy for the Board to approve such a height. Under Section 337.2, the Applicant must demonstrate that the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. As described below, the proposed addition satisfies these criteria.

A. The light and air available to neighboring properties shall not be unduly affected (Section 337.2(a))

The proposed addition will exceed 35 feet only at the rear of the Property, and ample open space around the entire building will maintain light and air to adjacent properties. The proposed addition will maintain a significant separation of at least 15.5 feet from the four properties directly adjacent to the Property directly to the west, but these properties are owned and being developed by

¹ The Project was designed under the prior R-4 regulations, which permitted a height of 40 feet as a matter-of-right.

the Applicant. Also, the proposed addition will have a significant separation from the only adjacent property not owned by the Applicant. The addition will be located to the southwest of the rear of that property, so it will not be directly behind or beside the other property. The rear property line of the other property, adjacent to the northwest corner of the Property, will be separated from the addition by approximately 13.5 feet, and the building on that property will be separated approximately 74 feet from the proposed addition. Further, because of its mansard roof, the top story of the addition will be set back an additional 2.5 feet, thereby creating greater separation between it and nearby properties. Finally, the Project will have a lot occupancy of only approximately 46.1% (maximum permitted is 60%), so significant open space around the Project will allow for ample light and air to all adjacent properties.

B. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. (Section 337.2(b))

As described above, the proposed addition will be at the rear of the Property and will not be close to any adjacent or nearby properties. Indeed, no part of the Project will be on the property line, and the open space around the entirety of the Project will provide a separation significant enough to prevent the privacy of neighboring properties from being compromised. As such, the additional 4.6 feet of height will not unduly impact privacy on neighboring properties.

C. The conversion and any associated additions, as viewed from the street, alley, and other public way shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley. (Section 337.2(c))

The scale and architectural design of the original church building will be preserved and improved. The addition will be as far to the rear of the Property as possible to minimize its appearance from all public rights of way. Indeed, the Applicant designed the addition in close consultation with the Historic Preservation Office and the community to ensure its compatibility with the church building and the surrounding buildings. The carefully-designed addition will,

therefore, maintain the scale and character of houses along Morton Street and will avoid any visual intrusion on the block.

D. The Applicant shall use graphical representations... to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways. (Section 337.3)

Project plans and illustrations showing the Project's relationship to neighboring properties is included in Exhibit D.

E. The Requested Relief will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps and will not tend to Affect Adversely the Use of Neighboring Property.

The proposed extra 4.6 feet of height on the Project's addition will not cause adverse impacts to neighboring property. As discussed above, the Project will include significant open space and separation from neighboring properties, which will eliminate any potential for adverse impact. In addition, the Applicant carefully designed the Project with HPO and community consultation to ensure its compatibility with the neighborhood and original building. Therefore, since the proposed addition will satisfy the criteria set forth in Sections 337, the requested special exception for 39.6 feet of height for an addition to a conversion of a pre-1958 non-residential building into an apartment house will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Map.

VI. EXHIBITS

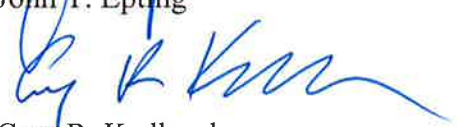
EXHIBIT A	Application Form, Self-Certification Form, and Letter of Authorization
EXHIBIT B	Excerpt of Zoning Map
EXHIBIT C	Surveyor's Plat
EXHIBIT D	Project Plans
EXHIBIT E	Photos of Property and Existing Building
EXHIBIT F	List of Property Owners within 200 Feet

VII. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested special exception in this case.

Respectfully submitted,
GOULSTON & STORRS, PC


John T. Epting


Cary R. Kadlec