

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

**APPLICATION OF
VICTORY VILLAGE
DEVELOPMENT CORPORATION**

**BZA APPLICATION NO. 19111
ANC 6E01**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of Victory Village Development Corporation (the “Applicant”), regarding property located at 1533 9th Street, NW (Square 397, Lot 31) (the “Site”) in support of its application to the Board of Zoning Adjustment (“BZA” or the “Board”) pursuant to 11 DCMR § 3104.1, for special exception approval under 11 DCMR § 334 to provide a community service center in the R-4 District at the Site.

**II.
JURISDICTION**

The Board has jurisdiction to grant the special exception requested herein pursuant to 11 DCMR § 3104.

**III.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION**

<u>Exhibit A:</u>	A Portion of the Zoning Map showing the Site
<u>Exhibit B:</u>	Updated Architectural Plans and Elevations Showing the Proposed Renovations
<u>Exhibit C:</u>	Outline of Testimony

IV. BACKGROUND

A. Description of the Site and Surrounding Area

Square 397 is located in the northeast quadrant of the District and is bounded by Q Street to the north, 8th Street to the east, P Street to the south, and 9th street to the west. As shown on the Zoning Map attached hereto as Exhibit A, Square 397 is split-zoned: the southern properties located close to P Street are zoned C-2-A, and the remainder of the properties in the Square are zoned R-4. The Square is primarily occupied with row dwellings and is bisected by a 10-foot wide public alley running north-south from Q Street to P Street.

The Site is located mid-block on the east side of 9th Street, NW, between P and Q Streets. The Site is bounded to the north and south by row dwellings, to the east by A public alley, and to the west by 9th Street. The Site has approximately 3,962 square feet of land area (42 feet wide by 94.34 feet long) and is approximately double the width of most of the surrounding row dwelling lots. The northern portion of the Site is presently improved with a vacant two-story building that was most recently used as a row dwelling. The southern portion of the Site is vacant. An existing curb cut from 9th Street is located on the southern portion of the Site.

The Site is located in the Shaw Historic District. The existing building on the Site is typical of the Shaw Historic District in exhibiting a variety of building forms from multiple overlapping phases of development. The structure was built individually with two stories, a basement, and a projecting bay. The roof line has corbelled brick and wood cornices.

B. Prior BZA Approval

Pursuant to BZA Order No. 18059, dated May 18, 2010, and effective on May 24, 2010, the Board approved for the Site a variance from the lot occupancy requirements under 11 DCMR

§ 403.2; a variance from the off-street parking requirements under 11 DCMR § 2101.1; and a special exception under 11 DCMR § 334, to permit the construction of an addition to the existing building on the Site and to allow for community service center use in the building. Subsequent to the BZA approval, the Applicant undertook interior demolition and framing activities, but did not commence any new construction. BZA Order No. 18059 expired on May 24, 2012, and the Applicant abandoned the proposed construction activities for the approved addition.

C. Proposed Project

As shown on the architectural plans and elevations attached hereto as Exhibit B, the Applicant proposes to convert the existing row dwelling into a community service center and provide five zoning compliant surface parking spaces on the vacant portion of the Site. The Applicant will maintain the existing building's height, density, and lot occupancy exactly. The renovated project will have a maximum height of 34 feet in two stories plus a basement, approximately 3,360 square feet of gross floor area (0.85 FAR), and approximately 28.25% lot occupancy.

The Applicant intends to complete the interior renovation activities started in 2011 and, subject to the Board's approval of the application, occupy the building with a community service center use. Most interior partitions of wood and metal stud framing already exist. The Applicant will install mechanical, plumbing, and electrical systems in the existing building and complete the interior finishes for floors, walls, and ceilings, which were not completed in the expired project. The Applicant does not propose to construct any additions to the existing building.

Of the five parking spaces for the project, three parking spaces will be accessed directly from the 10-foot wide public alley at the rear of the Site and two parking spaces will be accessed

directly from the existing curb cut on 9th Street. All five parking spaces will accessible at all times directly from improved alleys with a minimum width of ten feet, or from improved public streets via graded and unobstructed private driveways that form an all-weather surface, consistent with the access requirements of 11 DCMR § 2117.

V.
THE APPLICANT MEETS THE BURDEN
OF PROOF FOR SPECIAL EXCEPTION RELIEF

As described below, the proposed community service center use for the Site is consistent with the Site's zoning designation and with other uses in the neighborhood.

A. Standard of Review

A use granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the proposed use are met. In reviewing an application for special exception approval, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981).

B. Special Exception Under Section 334 to Allow a Community Service Center in the R-4 District

Section 334.1 of the Zoning Regulations permits the Board to approve, as a special exception, the establishment of community service centers in R-4 Districts that are created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located, including job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, subject to the following requirements set forth in Sections 334.2 through 334.5:

Section 334.2 - A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.

The community service center proposed for the Site will be located so that it is not likely to become objectionable to the neighborhood. The existing building orientation and configuration will remain such that the main entrance to the building will be on 9th Street. Activities are planned to be held inside the building. Nothing in the community service center design or programming is expected to generate any noise or other objectionable impacts to the surrounding residences. In fact, it is expected that the reuse of the building as a community service center will improve this section of the neighborhood by redeveloping a blighted property, reactivating this section of 9th Street.

Section 334.3 - No structural changes shall be made except those required by other municipal laws or regulations.

As shown on the architectural drawings included with the application, no structural changes will be made to the existing building, except those required by other municipal laws or regulations.

Section 334.4 - The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

The use of the Site as a community service center is reasonably necessary and convenient

to the Shaw neighborhood in which the Site is located. As a community service center, the premises will promote the social and economic well-being of the neighborhood by supporting the programming at the Shiloh Baptist Church, which is committed to worship, teaching, promoting justice, and empowering its members to be a positive influence in the surrounding community. Shiloh Baptist Church's main church facility is located at the southwest corner of 9th and P Streets, N.W. (1500 9th Street, N.W.), which is just half a block south of the Site. Shiloh Church also owns a number of other properties in the immediate vicinity of the Site, including properties located at 1507, 1510, and 1526-1528 9th Street.

In addition to bringing a new use that is compatible with the neighborhood, the community service center will improve the aesthetics and vibrancy of the neighborhood through the reuse of a structure that is vacant and in serious disrepair, and by securing the existing vacant lot.

Section 334.5 - A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

The community service center is not being organized for profit and no part of its net income will inure to the benefit of a private shareholder or individual. The community service center will be owned by Shiloh Baptist Church, which is a 501(c)(3) entity.

VI. **COMMUNITY SUPPORT**

The application has the support of Advisory Neighborhood Commission ("ANC") 6E, the ANC in which the Site is located. At its regularly scheduled, duly noticed public meeting on September 1, 2015, at which a quorum was present, ANC 6E voted unanimously to support the Application. ANC 6E's Development and Zoning Committee also voted unanimously to recommend approval of the project.

VII.
WITNESS

A. Simone Goring Devaney, CSG Urban Partners, on behalf of the Applicant

VIII.
CONCLUSION

For the reasons stated above, the application the applicable standards for special exception approval under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

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