BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF:	)	
	)	
BRANDYWINE STREET ASSOCIATION	)	**BZA CASE NO. 16911**
	)	
SPECIAL EXCEPTION AND VARIANCE RELIEF TO ESTABLISH A CHILD DEVELOPMENT AND COMMUNITY SERVICE CENTER	)	**ANC 8E**
	)	
	)	**HEARING DATE: SEPTEMBER 17, 2002**
	)	
700 BRANDYWINE STREET, S.E. (SQUARE 6163, LOT 125) R-5-A DISTRICT	)	

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Brandywine Street Association ("BSA") in support of its application to the Board of Zoning Adjustment for the following special exception and variance relief from the requirements of the Zoning Regulations pursuant to 11 DCMR §§ 3104.1 and 3103.2: (i) special exception to establish a child redevelopment center pursuant to section 205.1; (ii) special exception to establish a community service center pursuant to section 334; (iii) a variance from the floor area ratio limitations of section 402.4; (iv) a variance from the lot occupancy requirements of section 403.2; (v) a variance from the parking requirements of section 2101; and (vi) a variance from the court width requirements under section 406.1. The relief is necessary to renovate an existing, dilapidated vacant apartment building into a child development and community service center at 700 Brandywine Street, S.E., Square 616, Lot 125 (the "Subject Property"), located in the R-5-A District.

BZA
Case No. 16911
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16911
EXHIBIT NO.26

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the special exception and variance relief requested pursuant to D.C. Code § 6- 641.07 (2001 ed.) and sections 3103 and 3104 of the Zoning Regulations (11 DCMR).

III.
BACKGROUND

A. Description of the Subject Property and Surrounding Area

The Subject Property consists of Lot 125 in Square 6163, the city block bounded by Atlantic Street, S.E., on the north; Brandywine Street, S.E., on the south; 6th Street, S.E., on the west; and Barnaby Street, S.E., on the east. Lot 125 is trapezoidal in shape, with its width tapering from 76.5 feet along Brandywine Street at the front to approximately 25.47 feet at the rear of the property. An east-west alley abuts the property to the rear. There is a sixteen foot grade difference between the front and rear of the site.

The property is improved with an abandoned three-story brick apartment building. Originally constructed as one of the ten buildings comprising the Brandywine Terrace Apartments, the existing structure has been vacant and boarded up for several years. The property has been a blight on the neighborhood for the past several years serving as a refuge for vagrants, drug addicts and other illicit activity. Currently, the interior of the building is severely deteriorated, unsafe and structurally unsound, and consequently unusable by its owners. Photographs of the interior are attached as Exhibit E.

The property is located in the R-5-A District, a district designed for all types of residences, including apartments. To the west of the subject site are single-family semi-detached dwellings. To the east and south are medium-size apartment buildings consisting

of approximately eight to fifteen units each. Large apartment buildings are located to the southeast of the site.

B. The Brandywine Street Association

BSA is a non-profit collaborative of property owners, non-profit groups, churches and other groups organized for the sole purpose of improving a deteriorated segment of the area surrounding Brandywine Street. This community organization was formed in 1995 in response to a significant increase in crime in this small neighborhood, which had a devastating impact on the community. Many residents felt like prisoners in their homes after dark and some of the more stable families moved to escape the very real dangers posed by the increased drug traffic and other criminal activity.

Members of the BSA tried various methods to reverse the debilitating decline of their neighborhood. They worked with local police and elected officials to establish a community policing program. Criminal activity decreased temporarily, but budget cuts ultimately resulted in a reduction in the number of patrols. Although off-duty police officers were hired for random evening coverage, these efforts were not permanent in natures and proved prohibitively expensive to continue on a regular basis.

The seriousness of the problem became the focus for experts throughout the city, including the office of Eleanor Holmes Norton, the Federal Department of Housing and Urban Development, local public safety experts, the Non-Profit Housing Coalition, the Community Family Life Services and several other individuals and organizations. After lengthy study, it was determined that the only permanent solution to fighting crime and decay in the neighborhood was reinvesting in and strengthening the core elements of the community. Among the many programs envisioned for this purpose were a police outreach center, after-school programs for children and teens to serve as an alternative to the street or

the lure of drug activity, day care centers to support working families, and various other core community services.

C. Project Description

In an efforts to make these goals a reality, BSA purchased the abandoned building at 700 Brandywine Street in August, 2001, from the District government and began developing plans to renovate the blighted property into a focal point of services and activities for the beleaguered community. Upon completion, the facility will include a child development center for forty-six children, with nine staff and one aide; a youth program for fifteen children, with one staff and one aide; a computer skills center; a counseling center, a police community outreach post, a community meeting room, a laundromat and the offices of the BSA. The hours of operation for the child development center will be 6:00 a.m. to 7:00 p.m. The community service center will be open during the day and evening hours.

Because of the structurally unsound nature of the building, consideration was initially given to demolition of the existing structure. Costs analyses, however, indicated that demolition and reconstruction was prohibitively expensive. Instead, because the foundation and exterior walls of the building are sound, the interior will be completely "gutted" and built out with new structural members, flooring, and mechanical and electrical systems.

1. Child Development Center

The proposed child development center will be located on the first and second floors of the renovated building. Classroom #1, located toward the rear the building on the first floor, is designed to accommodate eight infants under the age of two. This nursery room will include eight cribs, a changing table, sinks and cabinets. Two staff will be assigned to care for these children.

Classroom #2, located at the front of the first floor, is designed to accommodate fifteen children under the age of two and a half. The room will be furnished with tables and chairs. Four staff will be assigned to this classroom.

Classroom #3 is located on the second floor above the nursery and will accommodate eight children, one staff and one aide. Classroom #4 at the front of the second floor is designed for fifteen children and two staff. Both rooms will be furnished with tables and chairs, sinks and cabinets. The remainder of the second floor will be devoted to service rooms including a pantry, a staff room, and toilet facilities.

2. Youth Program

The youth program, designed for children over the age of five, is located on the third floor. Classroom #5, located toward the rear of the building, is the designated computer skills facility, which includes twelve workstations. Classroom #6 is located at the front of the third floor and can accommodate fifteen children, one staff and one aide. Service and utility rooms are also located on the third floor.

3. Other Uses

The remainder of the community service programs will be located on the basement level and a portion of the first floor. The lower level will include the police community outreach office, a community meeting room, a counseling office, a laundromat and supply rooms. The BSA office will be located in a room on the first floor just off the entrance to the building.

4. Required Expansion of the Building

In order to meet the building code and licensing regulations for the child development and community service uses, BSA is required to constructed two means of ingress and egress from each occupied floor of the building, and comply with the

accessibility requirements of the Americans with Disabilities Act ("ADA"). To that end, two stair towers will be constructed to the side (west) and rear (north) of the building. An elevator will be included as part of the west stair tower. A new entrance porch will also be constructed to accommodate the accessibility ramp to be installed in public space in front of the building. The new entrance will also help orient the facility to the street, identify it as the community center and differentiate the building from the identical-looking apartment houses lining the street. As a result of the new construction, the size of the existing building will increase from approximately 5,063 square feet to 7,000 square feet of space.

The outdoor areas of the property will also be improved as required play areas for the children. Consistent with Department of Health licensing requirements, an area consisting of 420 square feet will be located on the west side of the building and a second area consisting of 480 square feet will be located at the rear of the property. These two areas will be regraded to match the first floor level of the building so that children will have direct access to the playgrounds, as required under the child development center regulations. A retaining wall, approximately five feet nine inches in height, will be located at the north side of the rear play area and act as an enclosure for the children. A second retaining wall, approximately six feet in height, will follow the western property line. Stairs just east of the rear play area will lead to the remainder of the property to the north where two parking spaces will be located.

IV.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF FOR CHILD DEVELOPMENT AND COMMUNITY CENTER USES.

A. Standard for Approving Special Exception Relief

Relief 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 relief are met. In reviewing an application for special exception relief, "[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 Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) *quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Child Development Center Requirements

In order to meet the criteria for approval of a child development center under section 205, an applicant must demonstrate, in addition to other specific criteria, that the special exception (i) will be in harmony with the general purpose and intent of the Zoning Regulations and Map; and (ii) will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The specific criteria for a child development center, and how BSA will meet those criteria, are discussed below.

1. Section 205.2: Applicable Code and Licensing Requirements.

BSA is capable of meeting all applicable code and licensing requirements for a child development center. In order to meet building code requirements, BSA is constructing two stair towers to provide two means of ingress and egress to each floor. The west stair tower will also include an elevator to serve each floor of the building in compliance with the ADA. A wheelchair ramp will also be constructed to provide handicapped access to the building and allow baby strollers to enter the facility more efficiently. The new construction has been designed to meet all BOCA and D.C. building code requirements and will be reviewed thoroughly by the D.C. Building Permit Branch prior to issuance of a building permit to undertake the proposed renovations. Thus, BSA will comply fully with the building code requirements.

The architect for the project and representatives from BSA have also been meeting regularly with the D.C. Department of Health to ensure compliance with the licensing requirements for child development centers and have refined the design in accordance with suggestions of that office. Exterior open space at two locations will be designated as required play areas and regraded to match the first floor level so children may have direct, unencumbered access to these areas. Retaining walls will be constructed along the west and north perimeter of the property to provide a protected area for the children. By memorandum dated June 18, 2002, the Child and Residential Care Facilities Division of the D.C. Department of Health recommended approval of the special exception and variance relief needed to establish the child development center. Thus, BSA has demonstrated that it can meet the licensing requirements for the child development center.

2. Section 205.3: No Objectionable Traffic Conditions.

Pursuant to section 205.3, a child development center must be located and designed so as not to create any objectionable traffic conditions or any unsafe conditions for picking up and dropping off children or elderly persons. Because the BSA child development center has been created by the area's community group for use by the community, it is anticipated that the overwhelming majority of attendees will walk to the facility. The walkers will not generate any automobile traffic to the center, and thus no objectionable traffic conditions will occur. Further, the walkers do not create a need for a designated drop off/pick up area at the facility. For those parents who may wish to drop off children by car on their way to work, there is ample room at the curb to accommodate them. An average of twenty-eight parking spaces are available along Brandywine Street in the morning and evening hours. Moreover, Brandywine Street has almost no commuter or cross-town traffic.

Thus, traffic will not be impeded by the relatively few vehicular drop-offs that may occur, nor should the minimal traffic on Brandywine Street jeopardize the safety of children.

The determination not to create a drop-off area is consistent with the practices of other child development centers in the city, even where traffic is heavier and the number of walkers is fewer. At least three licensed facilities in the District have been safely operating without a designated drop-off area. They include N Street Village, just north of Scott Circle; Bright Beginnings at 128 M Street, N.W., and the D.C. government office building at 825 North Capitol Street, N.E.

3. Section 205.4: Off-Street Parking

Section 205.4 requires that child development centers provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. Section 2101 of the Zoning Regulations further clarifies this requirement by requiring one space for every four staff members at the child development center. The total number of staff at the BSA center will be twelve, thereby creating a requirement for three spaces. BSA will provide only two off-street parking spaces at the rear of the property, and consequently is requesting a variance from this requirement as described in greater detail below.

The provision of two parking spaces will adequately serve the reasonable needs of teachers, other employees and visitors to the center. Because the facility was created by the community for use by the community, it is anticipated that teachers, staff, and aides, who work in shifts at the facility, will walk to the site. Visitors to the facility will also likely walk, thereby keeping the demand for off-street parking spaces low.

Moreover, there is ample on-street parking for any visitors, teachers, staff or aides who may arrive by car. A recent parking survey conducted by BSA in July and August 2002 indicates that there are an average of twenty-eight available spaces along the 700 block of

Brandywine Street between the hours of 6:00 a.m. to 6:00 p.m. on weekdays. These times generally correspond to the operational hours of the child development center. Consequently, there is sufficient off-street and on-street parking spaces to serve the reasonable needs of teachers, other employees and visitors to the BSA child development center.

4. Section 205.5: No Objectionable Impacts on Neighboring Properties

Pursuant to section 205.5, the center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise of activity, or visual or other objectionable conditions. Adjacent and nearby properties are adequately protected from any adverse impacts due to noise, visual or other conditions by the proposed design of the facility. A retaining wall separates play areas to provide a visual screen and buffer noise from neighboring properties. All other activities that might create objectionable conditions will take place indoors.

5. Section 205.6: Other Design Elements Suggested by the Board

Under section 205.6, the Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs or other requirements as it deems necessary to protect adjacent and nearby properties. The facility has been successfully designed to blend in with its surroundings so that no further special treatment is necessary. The renovation of the existing property will, in fact, provide a dramatic visual improvement to the decay and decline experienced by the neighborhood. The once vacant, blighted apartment building will become a focal point of the community and help encourage other residents to make needed improvements to their own properties.

6. Section 205.7: Off-Site Play Areas.

Section 205.7 provides that any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself. Because BSA only proposes to use on-site play areas, this section in inapplicable.

7. Section 205.8: Other Facilities within the Vicinity

Under section 205.8, if other child/elderly development centers are located within the same square or within 1,000 feet of the proposed facility, the cumulative effects of these facilities shall not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors. Two child development centers are located within 1,000 feet of the proposed BSA center. Immediately next door to the east at 706 Brandywine Street, S.E., is the Christ-Like Child Development Center. Two infants and one toddler attend this neighboring facility, all of whom are walked to the facility by their parents. The facility has three people on its waiting list.

A second, much larger facility is located almost 1,000 feet from the BSA center on 6th Street one block to the south. The South East Child Development Center enrolls approximately 180 children in the community, the majority of whom arrive by bus or are brought the facility by walking parents. Approximately eleven children are on the waiting list for this facility.

The cumulative impact of the BSA facility and the two nearby development centers will have a negligible effect, if any at all, on the community with respect to traffic, noise, operations, or other similar effects. The closest facility only can accommodate three children, none of whom arrive by car. The small infants and one toddler are too small and two few in number to create any objectionable impacts and, are in fact, characteristic of

many households in the area. Moreover, the limited size of the facility does not create any measurable objectionable operational conditions on the neighborhood.

The distant facility likewise generates little vehicular traffic, since children arrive by walking or by bus. The church building within which it is located, and its adjacent parking lot, is of adequate size to contain the operational activities within the site. Thus, no cumulative negative effects are anticipated by the operation of three child development centers within 1,000 feet of one another, all of which serve families in the immediate neighborhood.

C. Community Service Center Requirements

In order to meet the criteria for approval of a community service center under section 334, an applicant must demonstrate compliance with the criteria listed below. In addition, the applicant must show that the special exception (i) will be in harmony with the general purpose and intent of the Zoning Regulations and Map; and (ii) will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

1. Section 334.2: No Objectionable Conditions

Under section 334.2, a community service center must be located so as not to be likely to become objectionable to neighboring properties because of noise or other objectionable conditions. The proposed BSA facility will enhance the surrounding community by providing desperately needed services just as job training, computer skills classes, and family counseling services. The center is intended to serve residents in and around Brandywine Street, and thus most visitors are anticipated to walk to the site. The facility is also designed to be the heart of the community, providing a safe place for children, parents and other neighbors to congregate, learn and participate in community services. The

services and activities provided by the facility, including the police outreach office located at the site, are specifically intended to discourage criminal activity, decay in the neighborhood, and other objectionable conditions that have plagued the community for the past several years.

2. Section 334.3: Alterations Required by Municipals Laws and Regulations

Section 334.3 limits the type of structural changes to the building to those that are required by municipal laws or regulations. As discussed in detail above, BSA proposes to make alterations in order to bring the building into structurally sound condition, provide the adequate means of ingress and egress to the building, and become ADA-compliant.

3. Section 334.4: Reasonably Necessary and Convenient Services

Section 334.4 requires that the services provided by the community center must be reasonable necessary and convenient to the neighborhood in which it is proposed to be located. The job skills, computer training, and counseling services offered by the community service center are not only reasonably necessary and convenient to the neighborhood, they are vital to its continued well-being. The proposed facility will be located in a neighborhood characterized by depressed property values, buildings in ill-repair, crime and other social ills, and was developed by and for members of the community to provide residents with the skills, tools and resources to overcome these obstacles. and help revitalize the neighborhood.

4. Section 334.5: Non-Profit Status of Community Center

Section 334.5 of the regulations states that the community service center shall not be organized for profit, and no part of its net income may inure to the benefit of any private shareholder or individual. The proposed community service center will be organized by BSA, a non-profit civic organization formed under the laws of the District of Columbia that

has received tax-exempt status from the Internal Revenue Service. None of the income from the center will inure to the benefit of any private shareholder or individual.

D. Proposed Facility is in Harmony with Purpose and Intent of Regulations

The proposed child development and community service centers not only meet the specific criteria outline above, they are in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The proposed uses will help stabilize the residential qualities of the neighborhood by renovating a dilapidated property and by providing day care and other social services necessary to support family life in the community. These services will promote the health, safety and welfare of the community, protect adjacent properties, and enhance the quality of life of area residents.

V.
THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES FROM THE FLOOR AREA RATIO, LOT OCCUPANCY, COURT WIDTH AND PARKING REQUIREMENTS.

A. Standard of Review

Under D.C. Code § 6-64107(g)(3) (2001 ed.) 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 unique because, *inter alia*, of its size, shape or topgraphy; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

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

The proposed child development and community service center meets all three prongs of this test. First, the property is unique by virtue of its irregular shape and

topography. Second, the owner will encounter substantial practical difficulties if the Zoning Regulations are strictly enforced because it will not be able to provide the required two means of ingress and egress under the building code, the structure would not be ADA compliant, and children would not be provided egress to play areas at matching grade as recommended by development center licensing authorities. Finally, the proposed facility will generate significant public good without substantially impairing the intent or purpose of the zoning laws.

Significantly, the D.C. Court of Appeals has held the burden of proof for non-profit or public service organization is not as great as for other applicants of variance relief.

> [T]he BZA may be more flexible when it assesses a non-profit organization which is a well established element of our governmental system. As Professor Anderson has observed, public need for the use is an important factor in granting or denying a variance and "'the apparently objective standards of the enabling acts are applied differently to the several kinds of uses...."

Monaco v. District of Columbia Board of Zoning Adjustment, 407 A.2d 1091, 1098 (D.C. 1979) *quoting* R. ANDERSON, AMERICAN LAW OF ZONING § 14.78 (1968); *accord Draude v. District of Columbia Board of Zoning Adjustment*, 527 A.2d 1242, 1255-56 (D.C. 1987). Thus, the Board should review the BSA's public service proposal under this lesser standard of review.

B. Extraordinary or Exceptional Conditions at the Subject Site

1. Unusual Shape of Lot

Unlike most other properties in the neighborhood, the subject site is burdened by its unusual trapezoidal shape. Lot 125 has a street frontage along Brandywine Street of approximately 76.5 feet but then narrows to only 25.47 feet at the rear alley, a difference of over fifty feet. As shown on the *Sanborn* and *Baist* maps attached as Exhibit A, virtually all other apartment building lots to the west and south are located on regular, rectangular lots, measuring roughly 67 feet wide by 109.5 deep. Although the property immediately to the

east has a similar trapezoidal shape as the subject property, neighboring Lot 82 is larger by more than 1,000 square feet and is improved with a significantly smaller semi-detached dwelling. Moreover, the narrow end of the trapezoid lot faces the street, leaving the majority of the neighboring lot's open space to the side and rear of the property.

2. Small Size of Lot

Additionally, the subject site is much smaller than any other similarly situated properties in the neighborhood. Lot 125 contains only 5,583 feet of land area whereas the other apartment building lots to the east and south consists of approximately 7,337 square feet of land area, a difference of approximately 1,800 feet. The subject property was constructed as one of ten apartment buildings along the north side of Brandywine Street known as the Brandywine Terrace Apartments. They face another group of garden apartments known as the Fairview Apartments located on the south of Brandywine Street. As shown on the *Sanborn* and *Baist* maps attached at Exhibit A, the subject property stands out as a smaller, irregularly shaped lot, with a smaller building than the other collection of garden apartments in the vicinity.

3. Topographical Conditions.

The property also suffers from a dramatic change in the topography from the front of the site to rear of the property. As shown on page A-3 of the architectural drawings attached at Exhibit D, the finished grade at the public sidewalk level along Brandywine Street to the rear of the property increases by over sixteen feet.

4. Difficulties Constitute Extraordinary Conditions for Variance Relief

These three difficulties are not shared by the entire neighborhood. *See Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091, 1098 (applicant for variance relief must demonstrate that its property is subject to some difficulty not shared by the entire

neighborhood and difficulty does not have to be a physical condition of the land.) In the past, the Board has held that such conditions constitute extraordinary and exceptional conditions for variance relief. For example, in BZA Case. No. 14726, the BZA found that the tapering shape from the front of the property to the back was an unusual condition under the variance relief test. There, the lot tapered from 23.95 feet at Ashmead Place, N.W., to eight feet at rear of property along an alley. Similarly, in BZA Case No. 16641, the Board noted the small size of the residentially zoned property relative to surrounding parcels and the ten-foot change in grade as exceptional conditions affecting the property. Similarly, based on the small size of the lot, its irregular shape and its topography, BSA meets the first prong of the variance relief test.

C. Strict Application of the Regulations Create Practical Difficulties for the Applicant.

The confluence of these three conditions create practical difficulties for the Applicant in complying with the strict application of the Zoning Regulations with respect to FAR, lot occupancy, court width and parking requirements. Each is discussed in turn below.

1. Floor Area Ratio and Lot Occupancy

A building in the R-5-A District may not exceed a density of 0.90 FAR and may not occupy more than forty percent of its lot. The proposed facility contemplates a thirty-seven percent increase in density to 1.24 FAR and six percent increase in lot occupancy to forty-six percent. Both increases are necessitated by building code requirements for two means of egress for all three floors and basement level, ADA requirements for an elevator, and child development center licensing recommendations for at-grade access to play areas. If BSA were required to comply with the strict application of the regulations, new stair towers and an elevator shaft would have to be reconfigured within the existing building footprint,

thereby significantly restricting the number of programs, services and residents that the facility could accommodate. The existing stairway would have to be enlarged, and the supply rooms and office space proposed for this existing stairway area would have to be reduced in size and relocated in other critically needed program space. The proposed additions to the building comprise approximately 1,937 square feet of space, of which approximately 1,600 square feet is devoted to the required stair towers and elevator. If these service areas were included within the existing footprint, each floor and basement level of the facility would lose approximately 400 square feet, or roughly one classroom and one office or supply room per floor. The number of children served by the facility would be reduced by approximately 16, from a total of 61 to approximately 45 children.

2. Court Width

The irregular court located to north of the proposed west addition, designated Court A on Sheet SP of the drawings attached as Exhibit D, has a diameter of 8.58 feet where 10.11 feet is required under section 406.1 of the regulations. The applicant is requesting a deviation of approximately ten percent from the court width requirement.

If BSA attempted to comply with the court width requirement in this location, it would have to either eliminate the court altogether by expanding the proposed addition or substantially reconfiguring the new entrance porch, west stair tower and elevator addition. Both alternatives are impractical. By expanding the footprint to eliminate the court, the applicant would exacerbate non-compliance with the lot occupancy and FAR requirements. If the west addition were reconfigured to be parallel to the street, there may be inadequate space to accommodate the handicap ramp at the front of the building.

3. Parking Requirement

The parking requirements for child development centers require BSA to provide one space for every staff persons. The BSA facility will employ twelve staff, thus requiring the provision of three spaces. BSA seeks to provide only two of the three require off-street spaces. BSA is severely restricted in the number of space it can provide because of the dramatic grade change at both the front and the rear of the property and its exceptional narrowness. The parking spaces for the site are logically located off the rear alley. The lot at this point, however, is only twenty-five feet wide, and can only accommodate two spaces with a standard width of nine feet. The property would have to be at least twenty-seven feet wide at the rear to accommodate the required number of spaces. If BSA attempted to stack the spaces, it would either have to building a parking platform over the rear play area, or somehow construct a ramp down to the lower portion of the rear yard and eliminate the play area altogether. Both solutions are impractical, expensive and would sacrifice the play area required for the children.

4. Standard for Evaluating Practical Difficulties.

The BZA has found and the D.C. Court of Appeals has upheld that practical difficulties exist where strict application of the regulations would severely curtail the number and scope of services provided by a public service facility. In *Association for the Preservation of the 1700 Block of N Street v. District of Columbia Bd. of Zoning Adjustment*, the court upheld the BZA's grant of an area variance from the off-street parking requirements. The BZA found that if the required number of spaces were provided, the YMCA would not have been able to provide all of its recreational and other programs, including cutting the size of the swimming pool in half. Similarly, BSA will have to severely curb its public service programs attenuate to the child development and community service center if it must provide all three

required parking spaces, or strictly comply with the court width, FAR and lot occupancy requirements. *See, also, Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979); *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326 (D.C. 1976); and *Clerics of Saint Viator, Inc. v. District of Columbia Board of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974). Additionally, as noted by the *Monaco* court, variance relief requested by public service facilities are to be evaluated with greater leniency by the Board than other applications.

D. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan.

The proposed variances will trigger significant public good without substantially impairing the intent or purpose of the zoning laws. By allowing the proposed addition to exceed the lot occupancy and FAR limitations, the desperately needed child development and community service center can be built in compliance with all building code and licensing requirements. Absent such relief, the facility could not be built. The minor increase in lot occupancy and FAR can adequately be accommodated at this site. A significant portion of the lot will still be used as outdoor recreational space and open areas. The small increase in density will only serve to enhance the community by providing space for services that are in critical demand. The variances will also allow for the improvement of a blighted property and overall enhancement of a disadvantaged neighborhood.

A ten percent reduction in the width of one court can also be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. The proposed court is fortuitously bounded on its western side by the eight-foot required side yard, and the ample side yard of the adjacent property. Consequently, the deviation can be granted without compromising the light and air of the

Subject Property. Moreover, it should be noted that under section 407.1 of the Zoning Regulations, a ten percent deviation can normally be granted by the Zoning Administrator without seeking relief from the Board due to the recognized minor nature of the request. However, because this deviation is coupled with requests for waivers from FAR and lot occupancy limitations, BZA approval is required.

Finally, the reduction in the number of required parking spaces can also be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. As noted above, there is ample parking in the neighborhood for teachers, staff and visitors to the center, with an average of twenty-eight spaces available between the hours of 6:00 a.m. and 6:00 p.m. Additionally, because this is a community center staffed by the community, an unusual high number of staff members are expected to walk to the facility.

VI.
COMMUNITY SUPPORT

BSA has attempted to make a formal presentation to Advisory Neighborhood Commission 8E, but has been unsuccessful in its efforts. BSA was able to meet with one member of the ANC and that representative is in full support of the project.

BSA also has overwhelming support from its own membership. The BSA was formed in large part to advocate for such facilities in the neighborhood and it is pleased to have the opportunity to help fulfill one its constituency's greatest needs. Several members of the community will testify in support of the project at the Board's hearing in this matter.

VII.
EXHIBITS IN SUPPORT OF THE APPLICATION

Exhibit A: Portions of the Sanborn Atlas and Baist Maps showing the Subject Property highlighted;

Exhibit B: A portion of the zoning Map showing the Subject Property highlighted;

Exhibit C: Surveyor's Plat of the Subject Property;

Exhibit D: Architectural Drawings;

Exhibit E: Photographs of the Subject Property; and

Exhibit F: Outlines of Witness Testimony.

VIII.
WITNESSES

A. Representative of the Brandywine Street Association

B. Ann Congdon, AIA, Project Architect.

IX.
CONCLUSION

Fore the reasons stated above, the requested relief meets the applicable standards for special exceptions and area variances under the Zoning Regulations. Accordingly, BSA respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

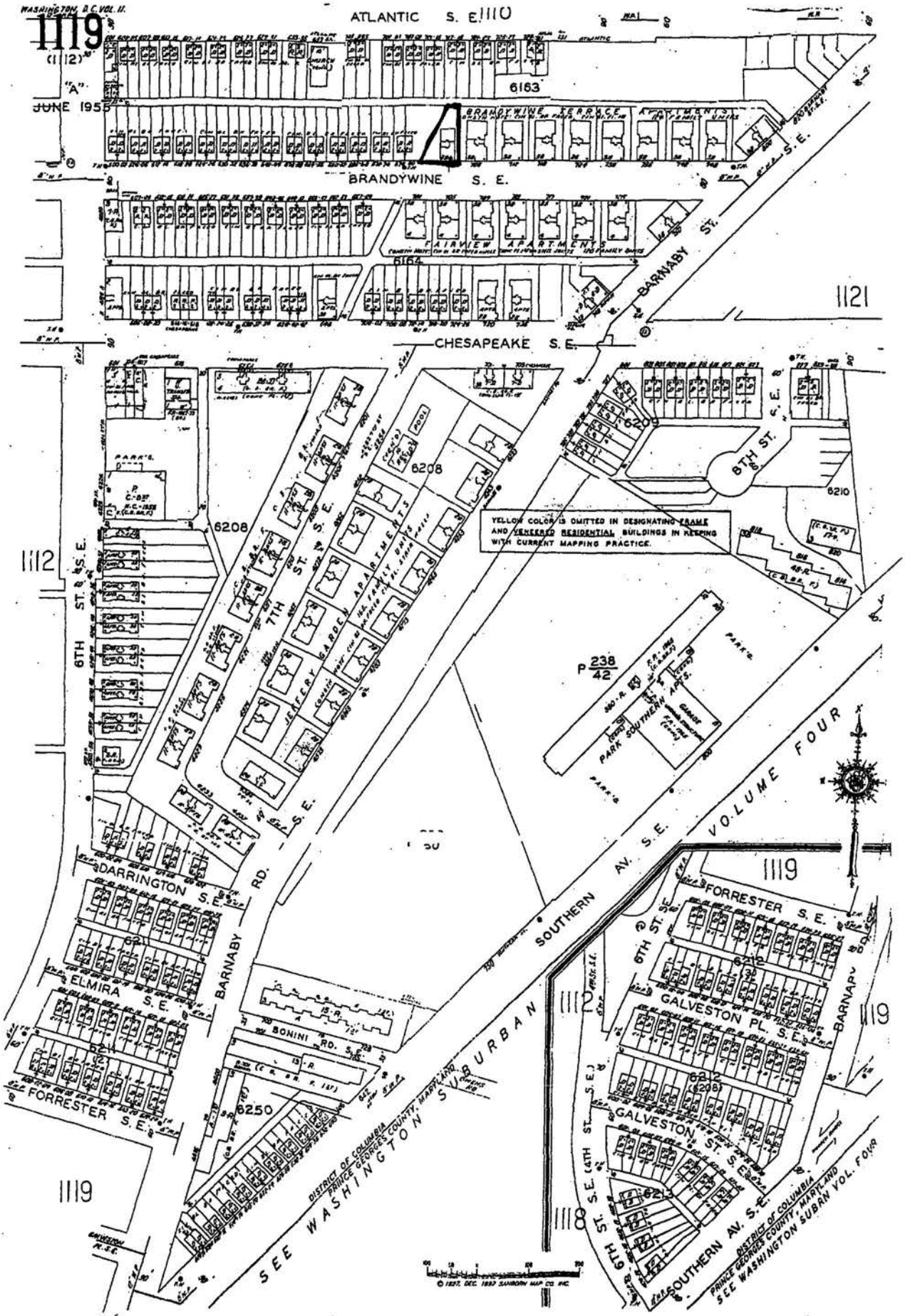
By: _____
Whayne S. Quin

By: _____
Mary Carolyn Brown

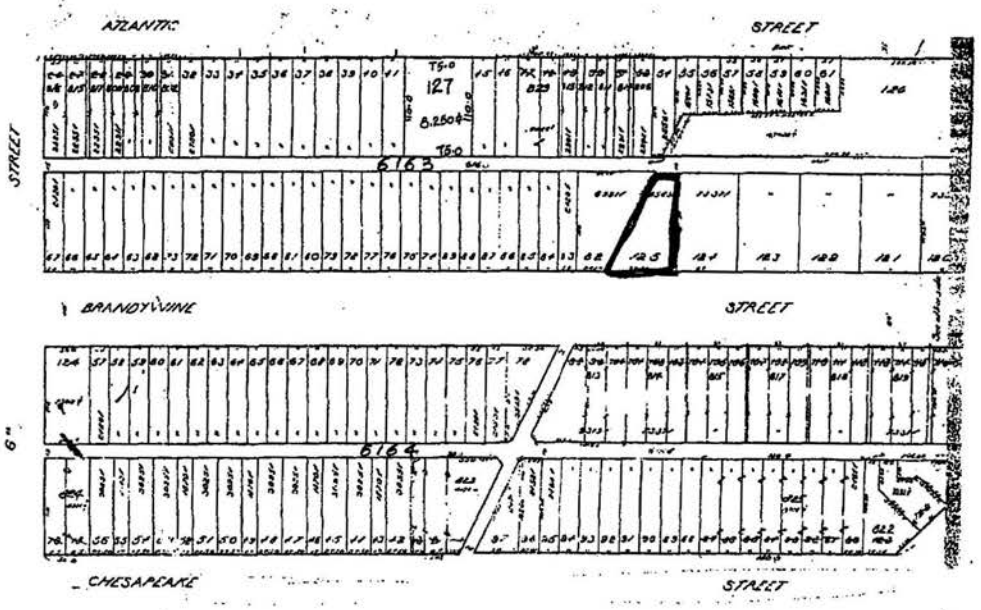
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

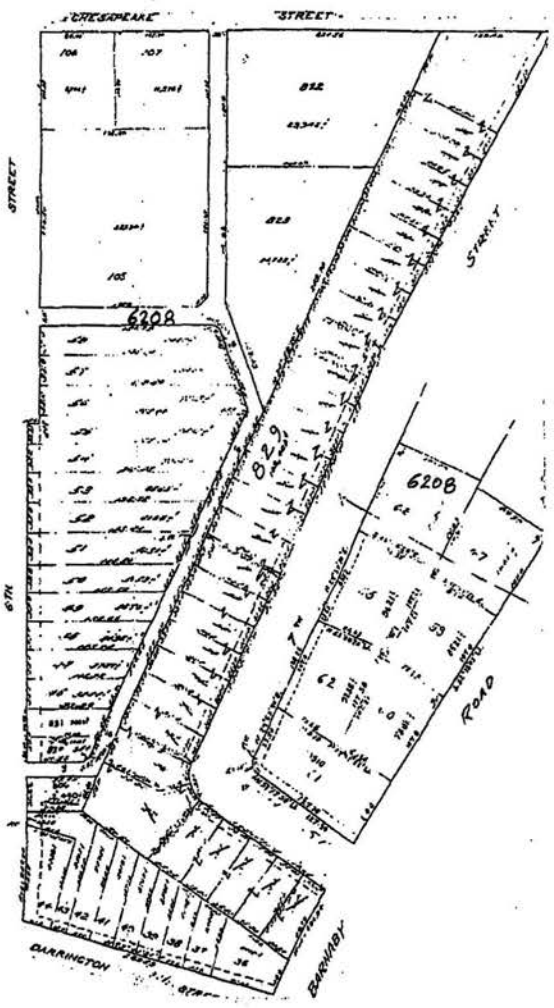
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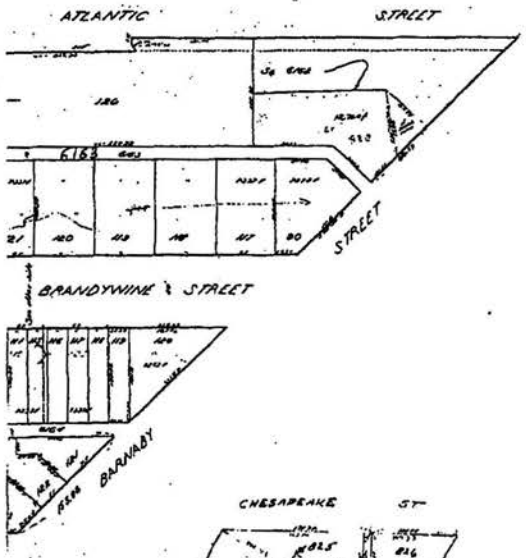
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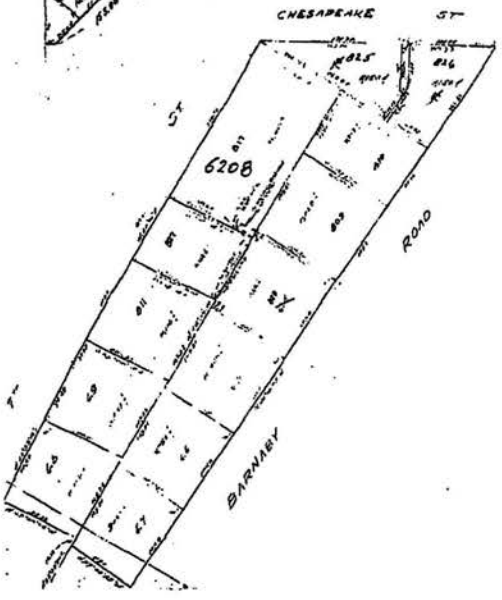

WASHINGTON, D.C. VOL. II.
1119
(1112)
"A"
JUNE 1955
ATLANTIC S. E.
1110
6163
BRANDYWINE TERRACE APARTMENTS
BRANDYWINE S. E.
FAIRVIEW APARTMENTS
6164
BARNABY ST. S.E.
1121
CHESAPEAKE S. E.
6209
8TH ST. S.E.
6210
6208
7TH ST. S.E.
JEFFERY GARDEN APARTMENTS
YELLOW COLOR IS OMITTED IN DESIGNATING FRAME AND VENEERED RESIDENTIAL BUILDINGS IN KEEPING WITH CURRENT MAPPING PRACTICE.
1112
6TH ST. S.E.
P 238/42
PARK SOUTHERN APTS.
GARAGE
DARRINGTON S.E.
6211
ELMIRA S.E.
6214
FORRESTER S.E.
BARNABY RD. S.E.
BONINI RD. S.E.
6250
SOUTHERN AV. S.E.
VOLUME FOUR
1119
FORRESTER S.E.
6TH ST. S.E.
6212
GALVESTON PL. S.E.
6212 (6208)
GALVESTON ST. S.E.
6213
1118
6TH ST. S.E. (6TH ST. S.E.)
SOUTHERN AV. S.E.
DISTRICT OF COLUMBIA
PRINCE GEORGES COUNTY, MARYLAND
SEE WASHINGTON SUBURBAN VOL. FOUR
© 1927, DEC. 1957 SANBORN MAP CO. INC.

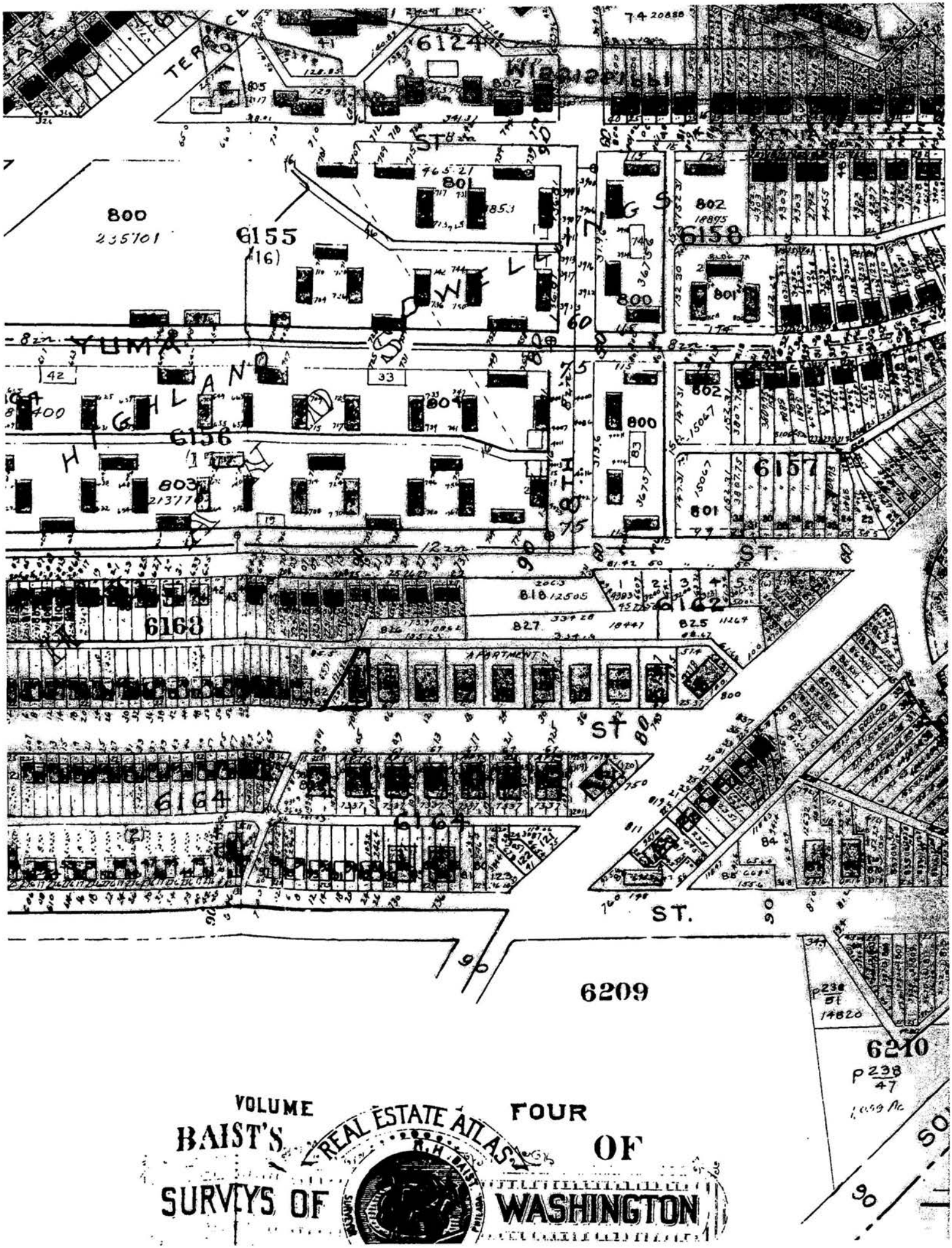
H19A


ATLANTIC
STREET
127
6163
BRANDYWINE
STREET
6164
CHESAPEAKE
STREET

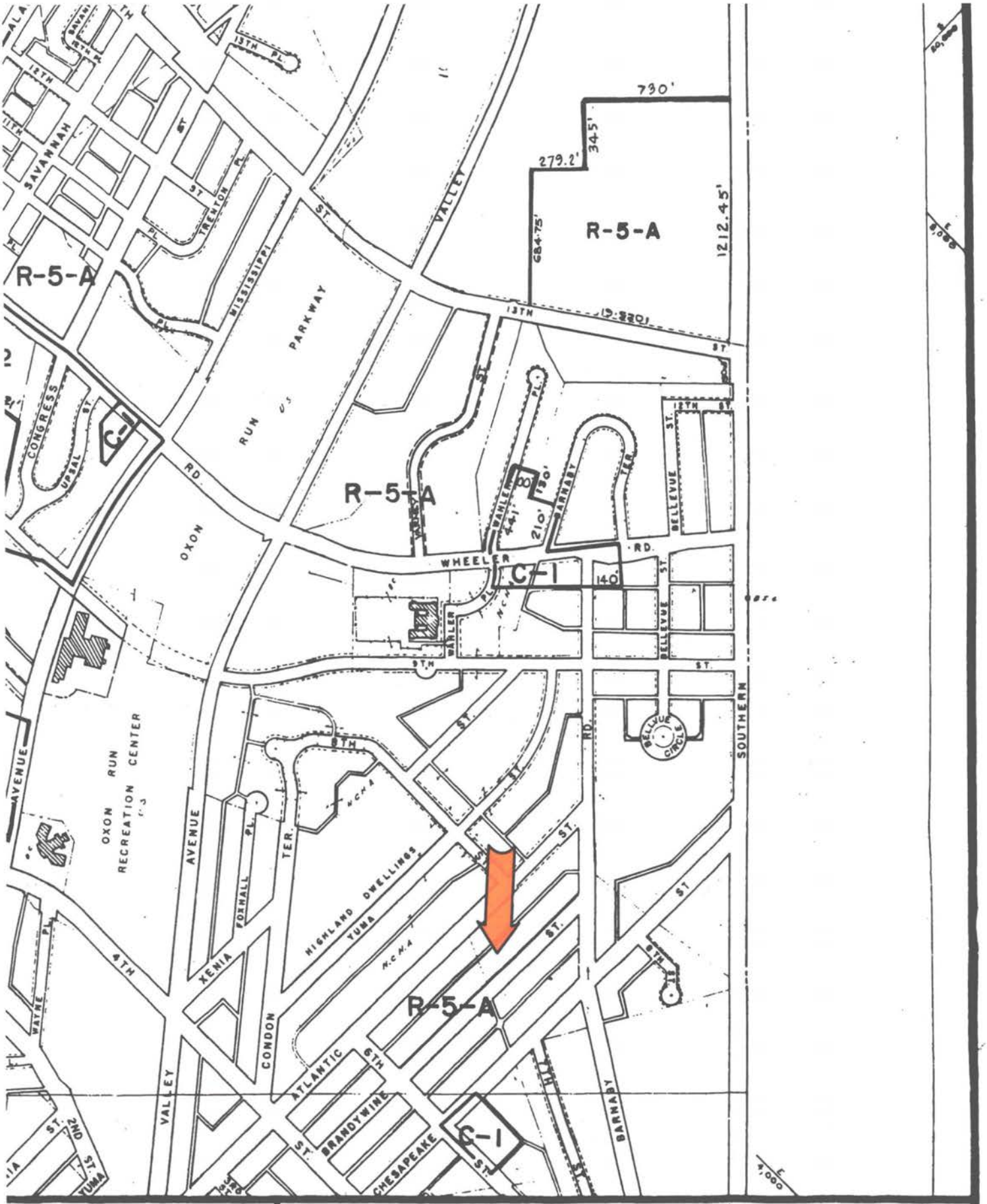

CHESAPEAKE
STREET
6208
829
ROAD
BARNABY


ATLANTIC
STREET
6163
BRANDYWINE
STREET
BARNABY


CHESAPEAKE
6208
ROAD
BARNABY


VOLUME FOUR
BAIST'S REAL ESTATE ATLAS OF
SURVEYS OF WASHINGTON
6124
6155
(16)
6156
6157
6158
6162
6163
6164
6167
6209
6210
800
801
802
803
804
YUMA
ST.
ST
TERRACE
HIGHLAND
SWEET
APARTMENT





THIS MAP CONFORMS TO THE DECISIONS OF THE DISTRICT OF COLUMBIA ZONING COMMISSION, CORRECTED TO APRIL 1, 1996



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., February 21, 2002

Plat for Building Permit of SQUARE 6163 LOT 125

Scale: 1 inch = 20 feet Recorded in Book 132 Page 154

Receipt No. 007313

Furnished to: HENRY BOWDEN

Surveyor, D.C.

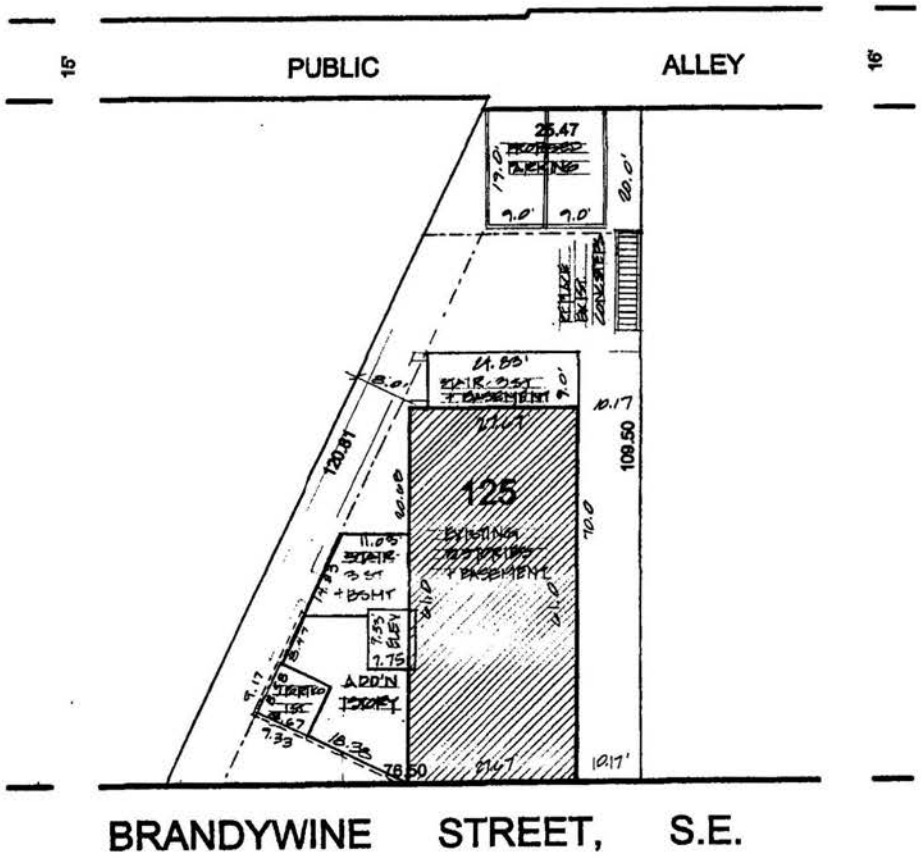
By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.





BOCA TABLE 602
FIRERESISTANCE RATINGS OF STRUCTURE ELEMENTS

TYPE 2B PROTECTED

EXTERIOR WALLS - LOADBEARING	1 HR
FIRE WALLS AND PARTY WALLS	2 HR
FIRE ENCLOSURE OF EXITS	2 HR
SHAFTS & ELEVATOR HOISTWAYS	2 HR

MIXED USE AND FIRE SEPARATION ASSEMBLIES
AS REQUIRED BY TABLE 313.1.2
USE GROUP I-2 FROM ALL USE GROUPS 2 HR

OTHER SEPARATION ASSEMBLIES 1 HR

EXIT ACCESS CORRIDORS PER TABLE 1011.4
USE GROUP I-2, TOTAL REQUIRED CAPACITY
OF ALL EXITS IN CORRIDOR
ALL OCCUPANTS 0 HR

BOCA SECTION 409.3 REQUIRES
ALL CORRIDOR WALLS IN
I-2 USE GROUPS TO PROVIDE A
BARRIER TO LIMIT THE TRANSFER OF SMOKE

NON-LOADBEARING PARTITIONS 0 HR

INTERIOR LOADBEARING WALLS,
PARTITIONS, COLUMNS, GIRDERS,
TRUSSES & FRAMING SUPPORTING
ONE OR MORE FLOORS 1 HR

STRUCTURAL MEMBERS
SUPPORTING WALL 1 HR

FLOOR CONSTRUCTION
INCLUDING BEAMS 1 HR

ROOF CONSTRUCTION -
15' OR LESS IN HEIGHT
TO LOWEST MEMBER 1 HR

BRANDYWINE COMMUNITY CENTER

BRANDYWINE STREET ASSOCIATION

700 BRANDYWINE STREET, SE

WASHINGTON, DC

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ARCHITECT
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BOCA TABLE 503
HEIGHT AND AREA LIMITATION OF BUILDING

2B PROTECTED -- EQUIPPED THROUGHOUT WITH AUTOMATIC SPRINKLER SYSTEM

USE GROUP A-3 ASSEMBLY
4 STORIES, 60 FT

USE GROUP E EDUCATIONAL
4 STORIES, 60 FT

USE GROUP I-2 CHILD CARE FACILITY
3 STORIES, 50 FT

PERMIT INFORMATION

LOT: 125
SQUARE: 6163
RECORDED IN BOOK 132 PAGE 154
ZONED: R-5-A
CONSTRUCTION TYPE: 2B PROTECTED
MIXED USE GROUP: A-3 COMMUNITY CENTER, E EDUCATIONAL AND I-2 CHILD CARE FACILITY
BUILDING CODE: 1996 BOCA WITH DC SUPPLEMENT 11/19/99
BUILDING FOOTPRINT: 1,687.87 SF EXISTING + 888.09 SF PROPOSED ADDITIONS = 2,575.96 SF
LOT AREA: 5,582.99 SF
HEIGHT: 3 STORIES + BASEMENT = 30'-4"
THE BUILDING WILL BE FULLY SPRINKLERED

REV	DATE	ISSUE
	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

COVER SHEET

SHEET
C
1 OF 10

DRAWN AMC
4/17/02

EXISTING STRUCTURE BUILT IN 1953

LOT AREA = 5,582.99 SF

	REQUIRED OR ALLOWABLE		EXISTING		PROPOSED	
FAR	5,024.69	0.90	5,063.61	0.91	6,939.69	1.24
LOT OCCUPANCY	2,233.20	40%	1,687.87	30%	2,575.96	46%
BUILDING HEIGHT	3 STORIES	32'	3 STORIES	30'-4"	3 STORIES	30'-4"
SIDE YARD SETBACK	32 x 3" = 96"	8'		8'		8'
COURT	30.33 x 4" = 121.33"	10.11'			PROVIDED @ ENTRY LEVEL: PROVIDED @ 2ND STORY:	8'-7 1/8" 18'-11 1/8"
OFF-STREET PARKING SPACES	ASSEMBLY AREAS: 1 FOR EVERY 10 SEATS		REQUIREMENT FOR PREVIOUS 7 DWELLING UNITS	7	TOTAL REQUIRED TO BE PROVIDED	
	CHILD DEVELOPMENT CENTERS: 1 FOR EVERY 4 STAFF MEMBERS STAFF = 12	3			PROVIDED IN REAR YARD	2
	TOTAL REQUIRED FOR PROPOSED USE				TOTAL PROVIDED	2

PROPOSED:	EXISTING STRUCTURE	NEW CONSTRUCTION	TOTAL
BASEMENT	47.59*		47.59
FIRST	1,687.87	888.09	2,575.96
SECOND	1,687.87	470.20	2,158.07
THIRD	1,687.87	470.20	2,158.07
TOTAL	5,111.20	1,828.49	6,939.69

* LENGTH OF EXTERIOR WALL WITH CEILING GREATER THAN 48" ABOVE FINISH GRADE = 5'

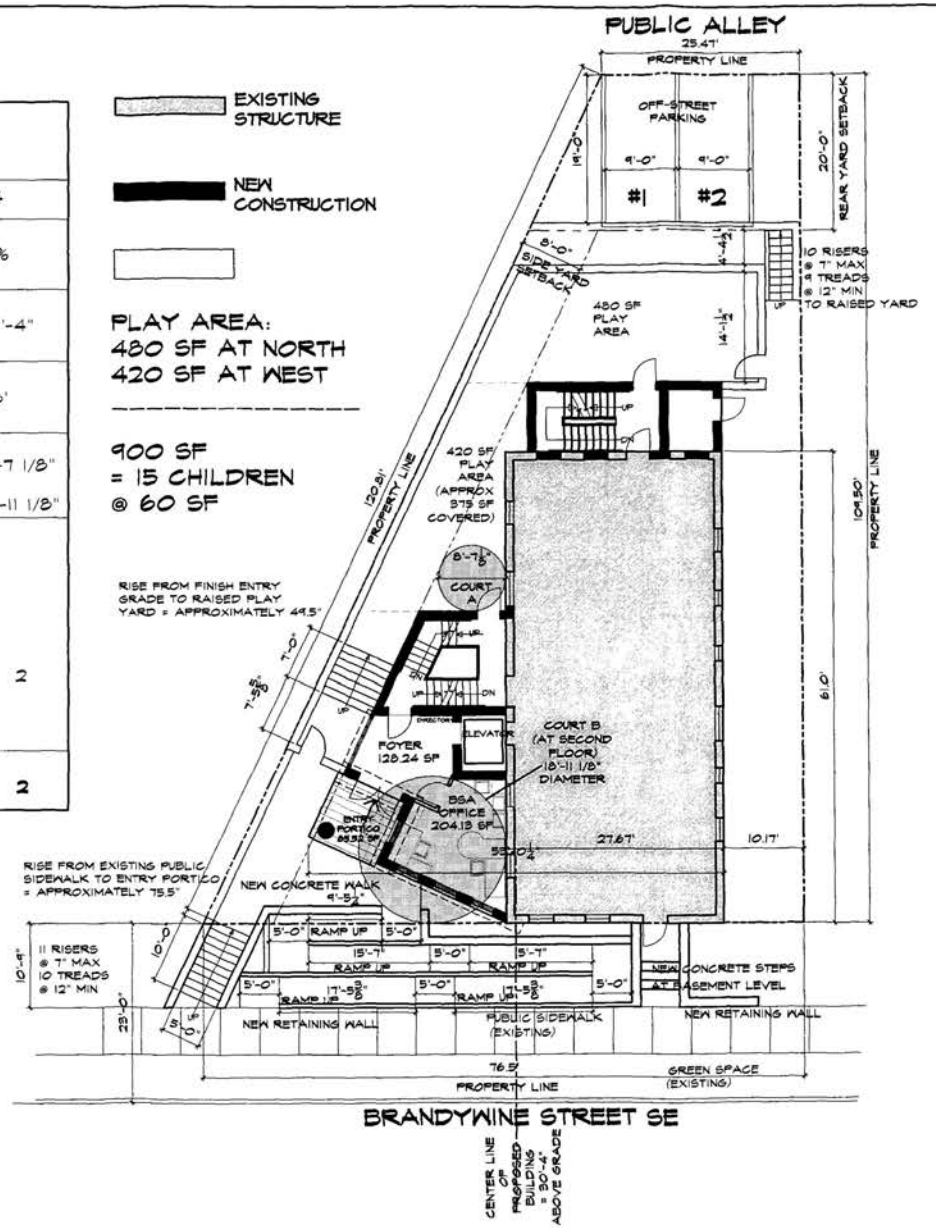
TOTAL PERIMETER = 177.34'

% OF AREA COUNTED TO FAR = 2.82%

TOTAL AREA OF BASEMENT = 1687.87 SF

ADDITION AT FIRST (ENTRY) LEVEL:
FOYER FOOTPRINT 128.24 SF
BSA OFFICE FOOTPRINT 204.13 SF
PORTICO UNDER ROOF (UNENCLOSED) 85.52 SF

ADDITION AT ALL LEVELS:
STAIR & ELEVATOR TOWER 246.10 SF
STAIR TOWER 223.50 SF



1 SITE PLAN AT ENTRY LEVEL
1/16" = 1'-0"

8/21/02

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WASHINGTON, DC

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	7/3/02	DOH REVIEW
	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

SITE PLAN AT ENTRY LEVEL

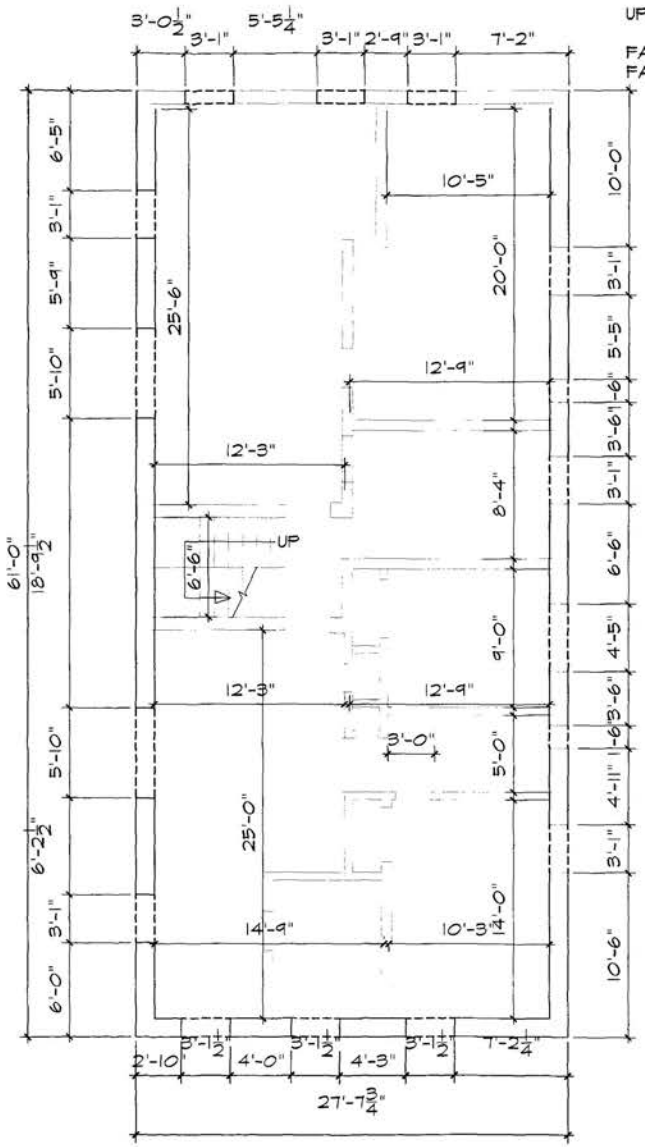
SHEET SP 2 OF 10

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BASEMENT WALLS 14"

UPPER WALLS 10"

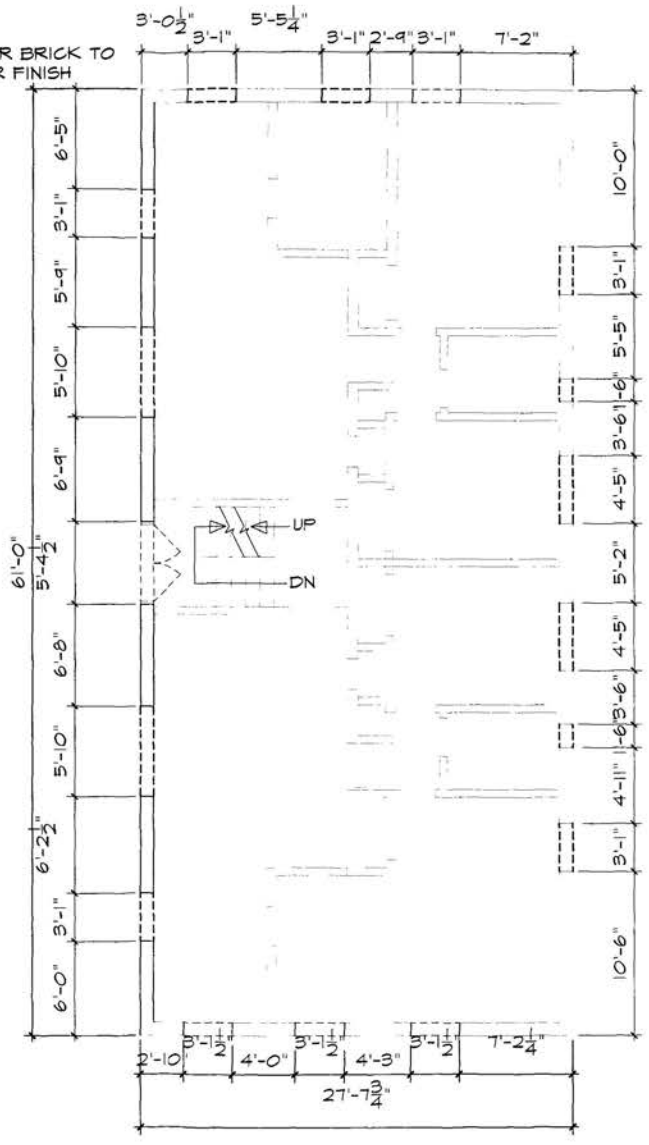
FACE OF EXTERIOR BRICK TO FACE OF INTERIOR FINISH



1 EXISTING CONDITIONS -- BASEMENT

1/8" = 1'-0"

NORTH



2 EXISTING CONDITIONS -- 1ST FLOOR

1/8" = 1'-0"

NORTH

0 5 10 20 FEET

NOTE:
EXISTING CONDITIONS ARE BASED ON PRELIMINARY INFORMATION SUPPLIED BY DC HOMESTEAD PROGRAM.

THE INTERIOR FRAMING ABOVE THE FIRST FLOOR IS BADLY DETERIORATED AND UNSAFE, THEREFORE CURRENTLY NOT ACCESSIBLE FOR ACCURATE FIELD MEASUREMENTS AND DOCUMENTATION.

1,500 SF
ESTIMATED GROSS INTERIOR PER LEVEL

6,000 SF
TOTAL ESTIMATED GROSS INTERIOR

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REV	DATE	ISSUE
	4/17/02	FIELD DIMS
	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

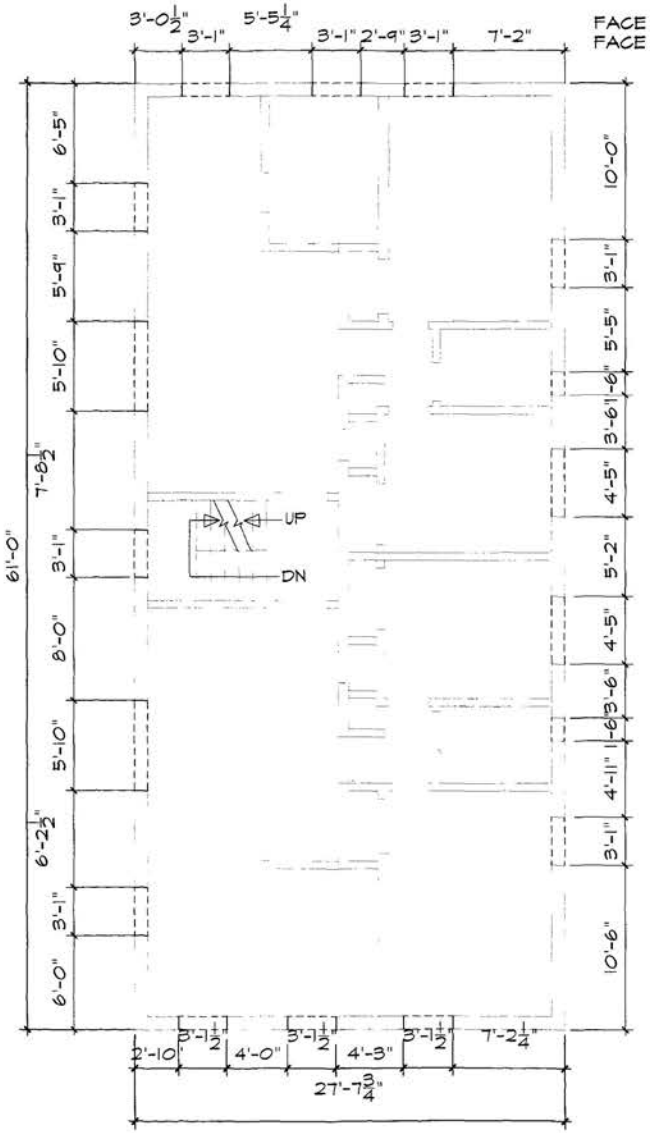
DEMOLITION
BASEMENT & 1ST

SHEET
D-1
3 OF 10

DRAWN AMC
10/4/00

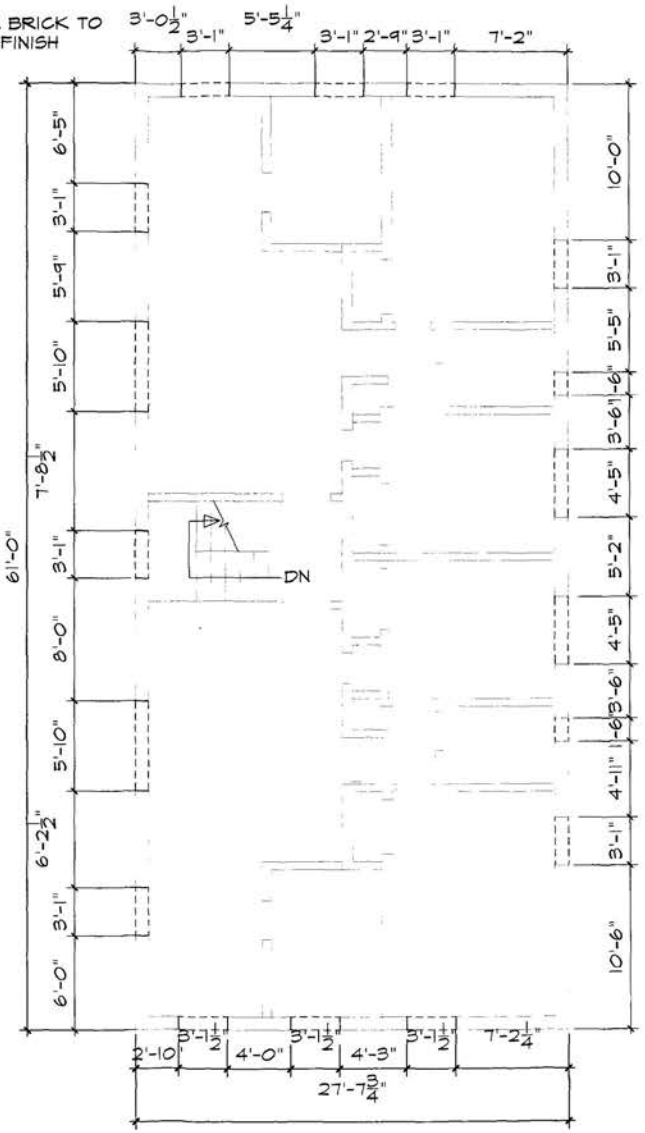
UPPER WALLS 10"

FACE OF EXTERIOR BRICK TO FACE OF INTERIOR FINISH



① EXISTING CONDITIONS -- 2ND FLOOR

1/8" = 1'-0"



② EXISTING CONDITIONS -- 3RD FLOOR

1/8" = 1'-0"

NORTH

0 5 10 20 FEET

NOTE:
EXISTING CONDITIONS ARE BASED ON PRELIMINARY INFORMATION SUPPLIED BY DC HOMESTEAD PROGRAM.

THE INTERIOR FRAMING ABOVE THE FIRST FLOOR IS BADLY DETERIORATED AND UNSAFE, THEREFORE CURRENTLY NOT ACCESSIBLE FOR ACCURATE FIELD MEASUREMENTS AND DOCUMENTATION.

1,500 SF
ESTIMATED GROSS INTERIOR PER LEVEL

6,000 SF
TOTAL ESTIMATED GROSS INTERIOR

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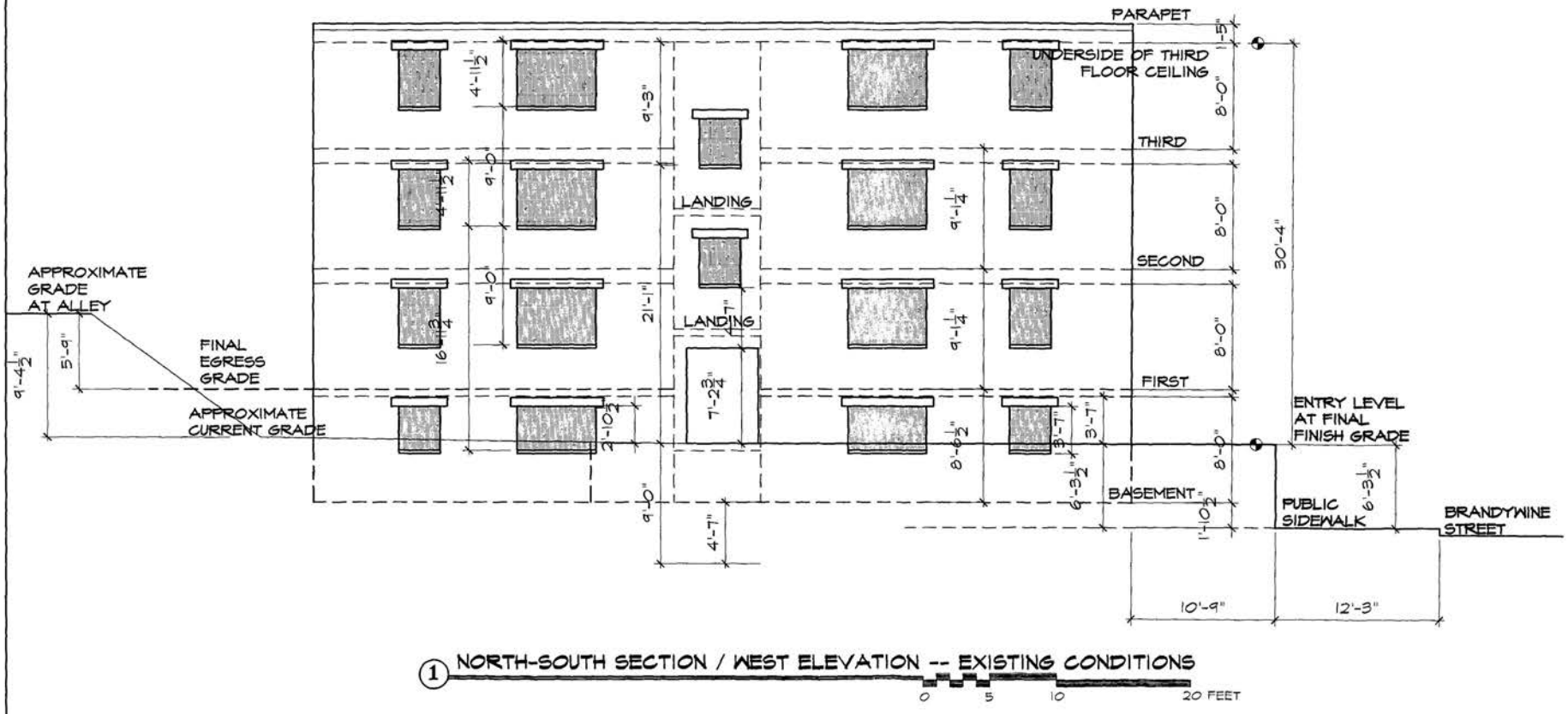
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REV	DATE	ISSUE
	4/17/02	FIELD DIMS
	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

DEMOLITION
2ND & 3RD

SHEET
D-2
4 OF 10

DRAWN: AMC
10/4/00



1 NORTH-SOUTH SECTION / WEST ELEVATION -- EXISTING CONDITIONS

0 5 10 20 FEET

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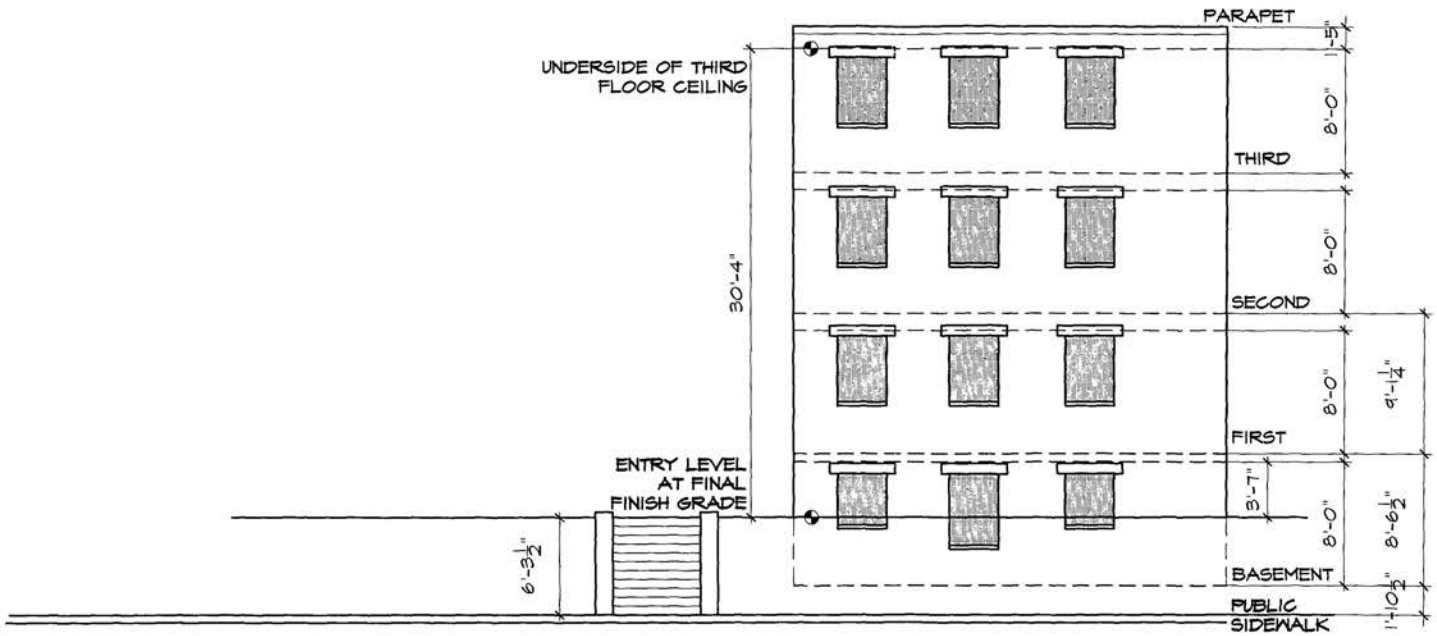
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REV	DATE	ISSUE
	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

NORTH-SOUTH SECTION/ELEVATION EXISTING CONDITIONS

SHEET
D-3
5 OF 10
DRAWN: AMC
4/20/02



1 EAST-WEST SECTION / BRANDYWINE STREET ELEVATION (SOUTH ELEVATION) -- EXISTING CONDITIONS

1/8" = 1'-0"

0 5 10 20 FEET

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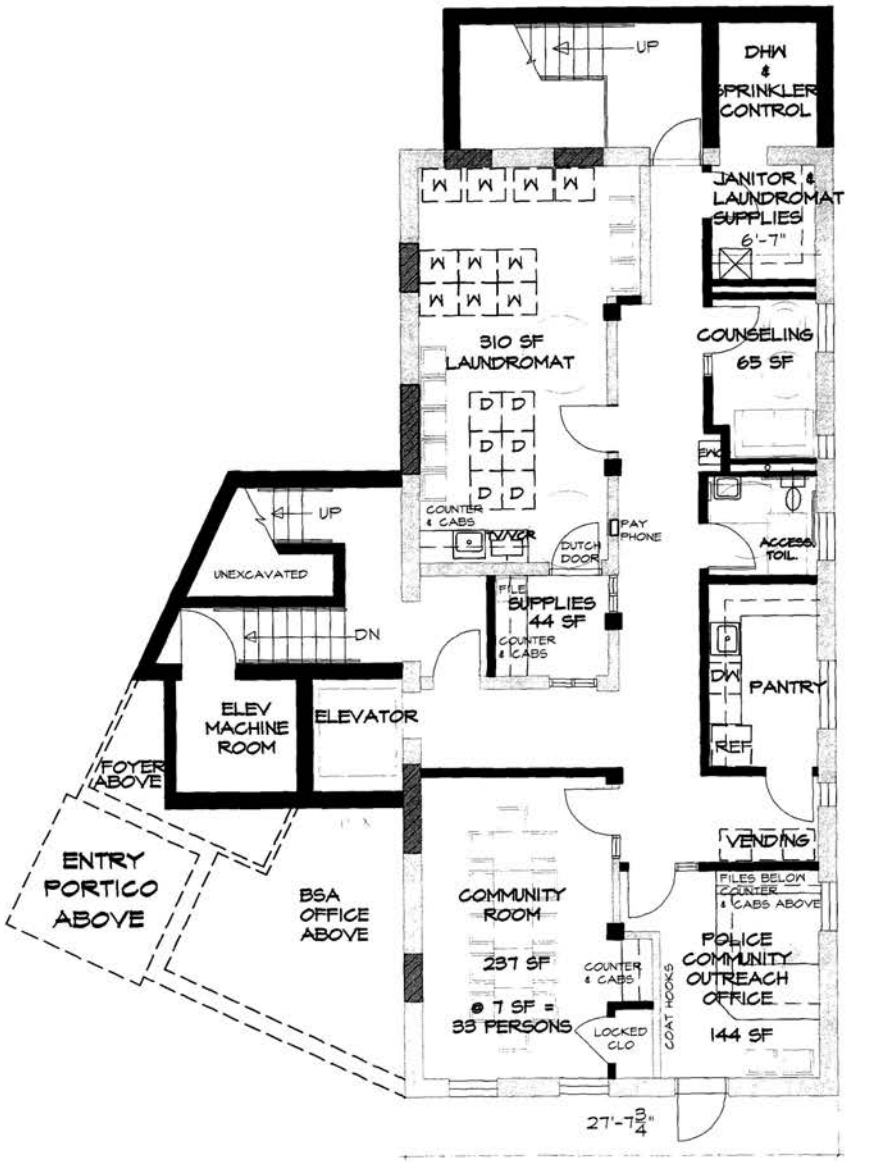
700 BRANDYWINE STREET, SE
WASHINGTON, DC

REV	DATE	ISSUE
	5/2/02	O P REVIEW
	5/28/02	BZA HEARING

EAST-WEST SECTION/ELEVATION EXISTING CONDITIONS

SHEET
D-4
6 OF 10

DRAWN: AMC
4/20/02



1 NEW WORK -- BASEMENT PLAN

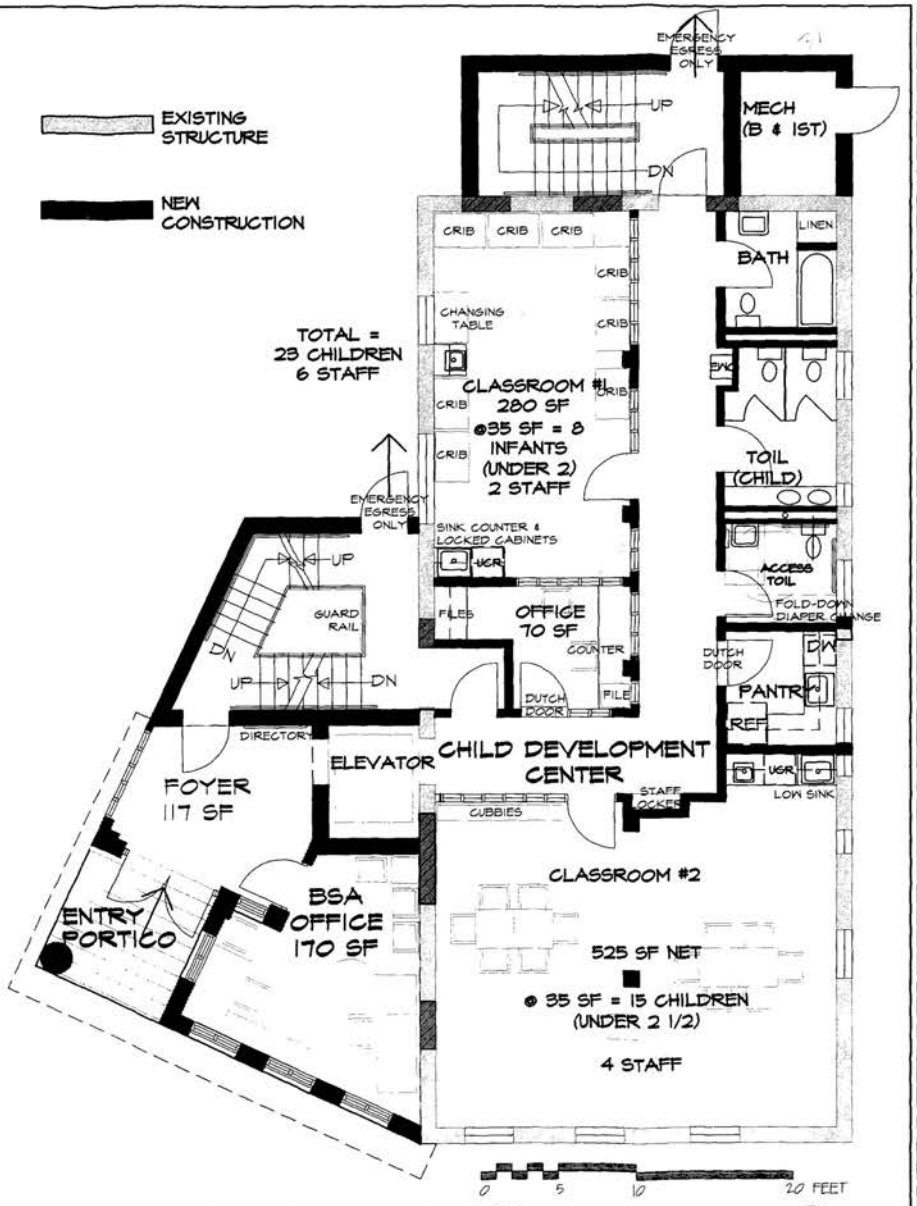
1/8" = 1'-0"

6/25/02

NORTH

EXISTING STRUCTURE

NEW CONSTRUCTION



2 NEW WORK - FIRST FLOOR PLAN

1/8" = 1'-0"

7/3/02

NORTH

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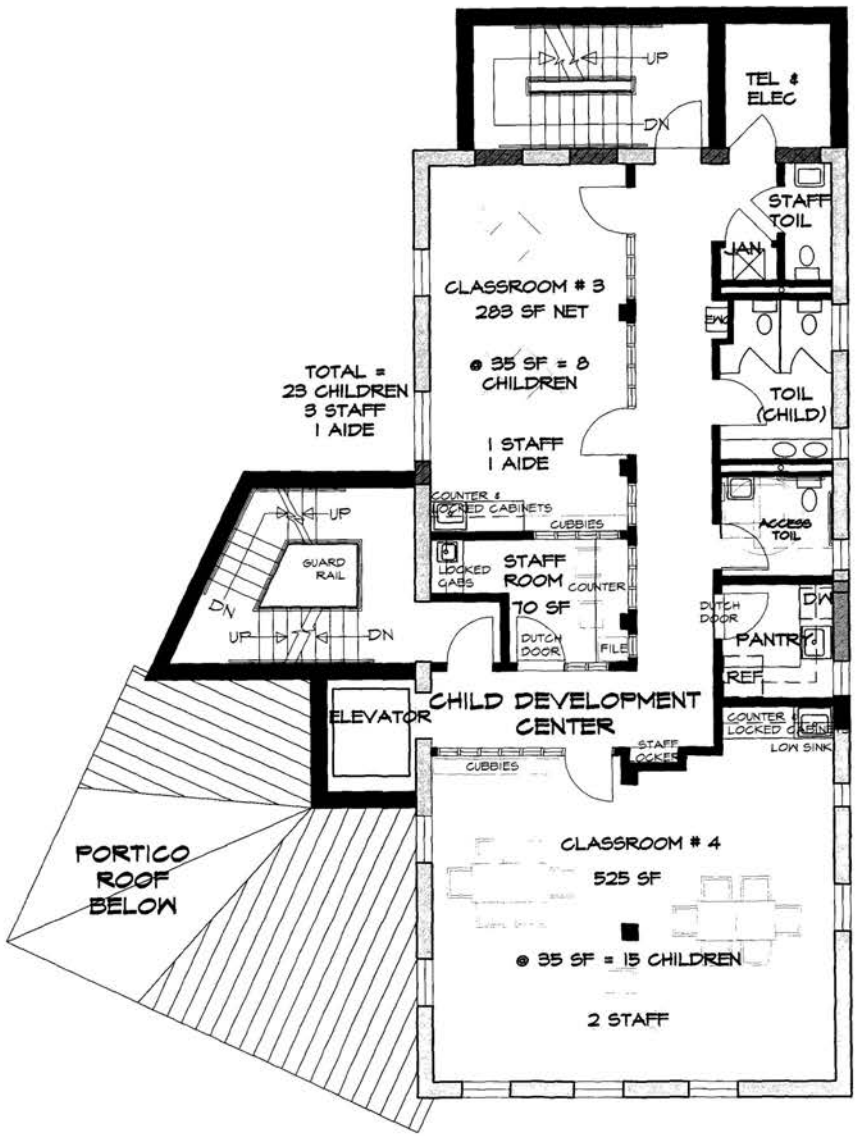
REV	DATE	ISSUE
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	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

NEW WORK BASEMENT & FIRST

SHEET A-1 7 OF 10

DRAWN: AMC

1/25/02



1 NEW WORK - SECOND FLOOR PLAN

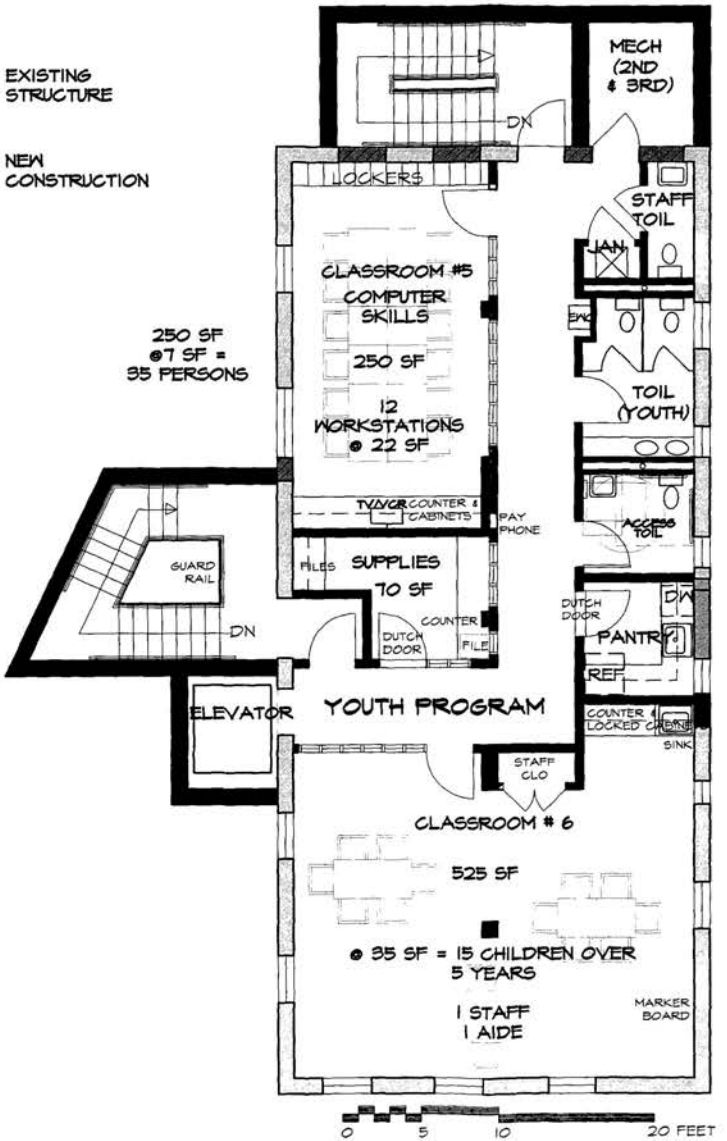
1/8" = 1'-0"

7/3/02

NORTH

EXISTING STRUCTURE

NEW CONSTRUCTION



2 NEW WORK - THIRD FLOOR PLAN

1/8" = 1'-0"

7/3/02

NORTH

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BRANDYWINE STREET ASSOCIATION

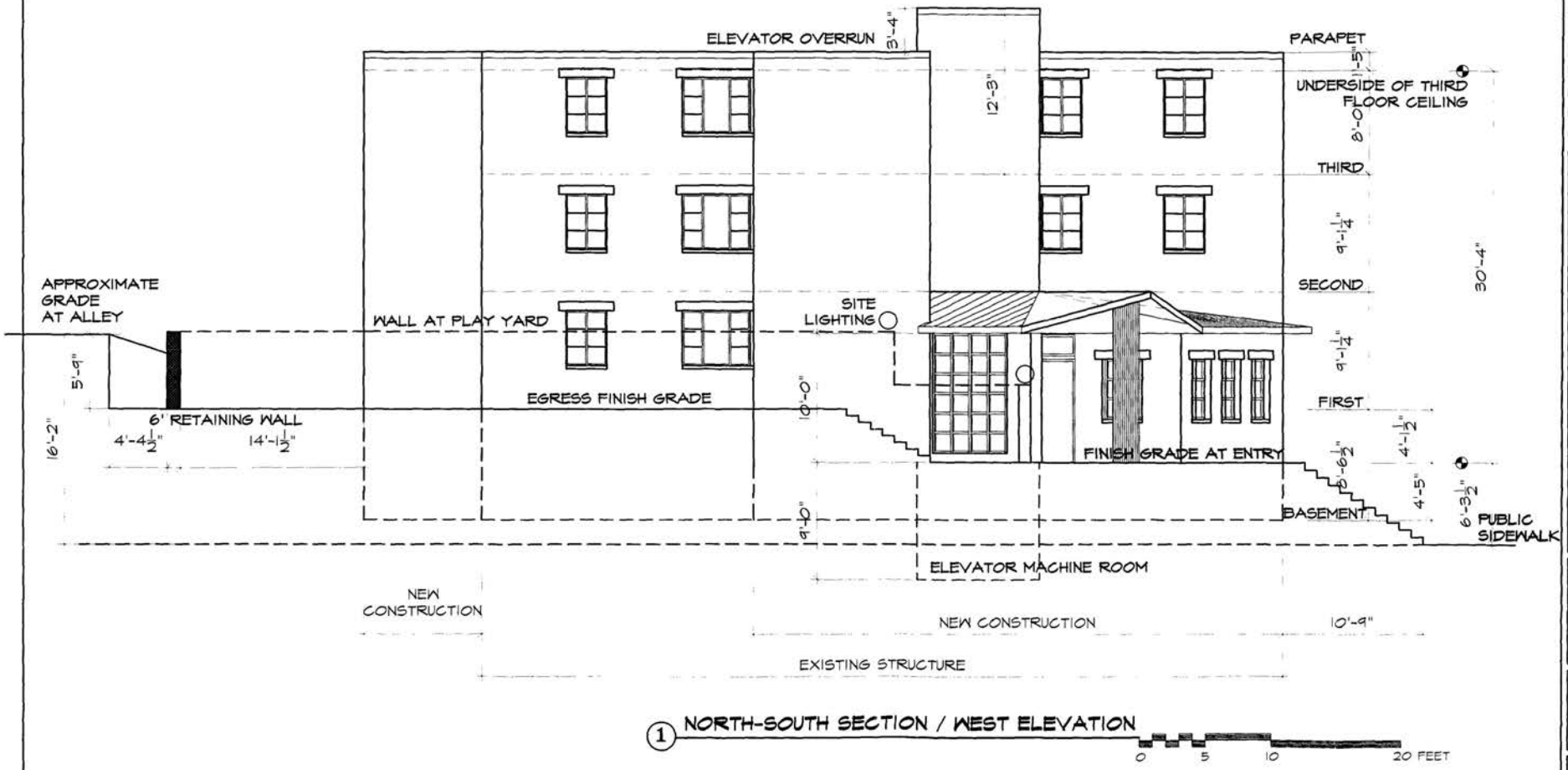
700 BRANDYWINE STREET, SE
WASHINGTON, DC

REV	DATE	ISSUE
	7/3/02	DOH REVIEW MODIFICATIONS
	8/2/02	O P REVIEW
	8/28/02	BZA HEARING

NEW WORK
SECOND & THIRD

SHEET
A-2
8 OF 10

DRAWN: AMC
1/25/02



1 NORTH-SOUTH SECTION / WEST ELEVATION

0 5 10 20 FEET

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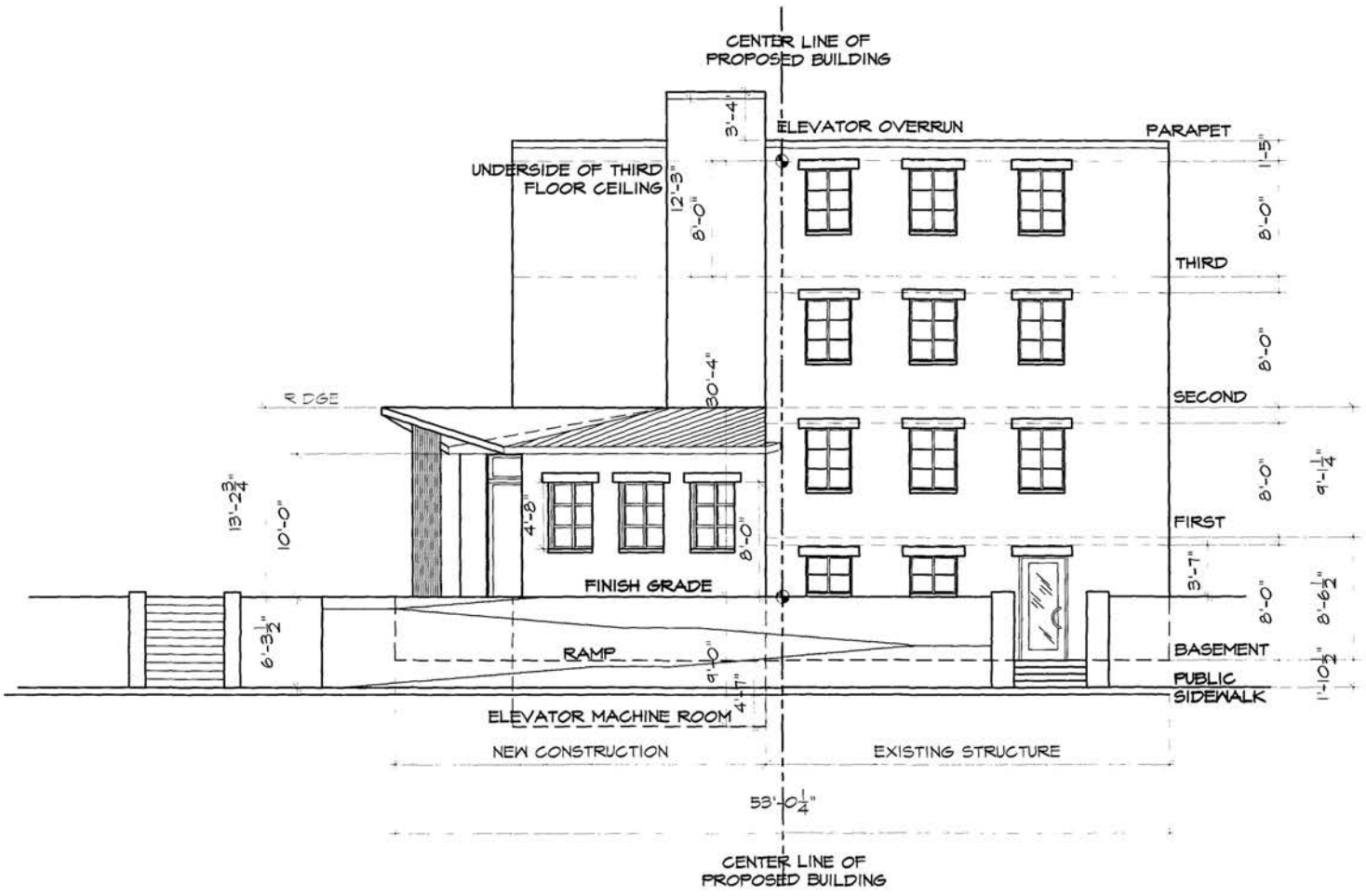
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WASHINGTON, DC

REV	DATE	ISSUE
	8/2/02	O F REVIEW
	8/28/02	BZA HEARING

NORTH-SOUTH SECTION
WEST ELEVATION

SHEET
A-3
9 OF 10

DRAWN AMC
8/1/02



1 EAST-WEST SECTION / BRANDYWINE STREET ELEVATION (SOUTH ELEVATION)

1/8" = 1'-0"

0 5 10 20 FEET

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WASHINGTON, DC

REV	DATE	ISSUE
	8/2/02	O F REVIEW
	8/28/02	BZA HEARING

EAST-WEST SECTION
SOUTH ELEVATION

SHEET
A-4
10 OF 10

DRAWN AMC
4/20/02





Southeast Corner



Southwest Corner



Rear facade from alley



BSA President Harry Hooker on February 17, 2002



East windows



West facade March 2002



Parking area off alley



Basement exit



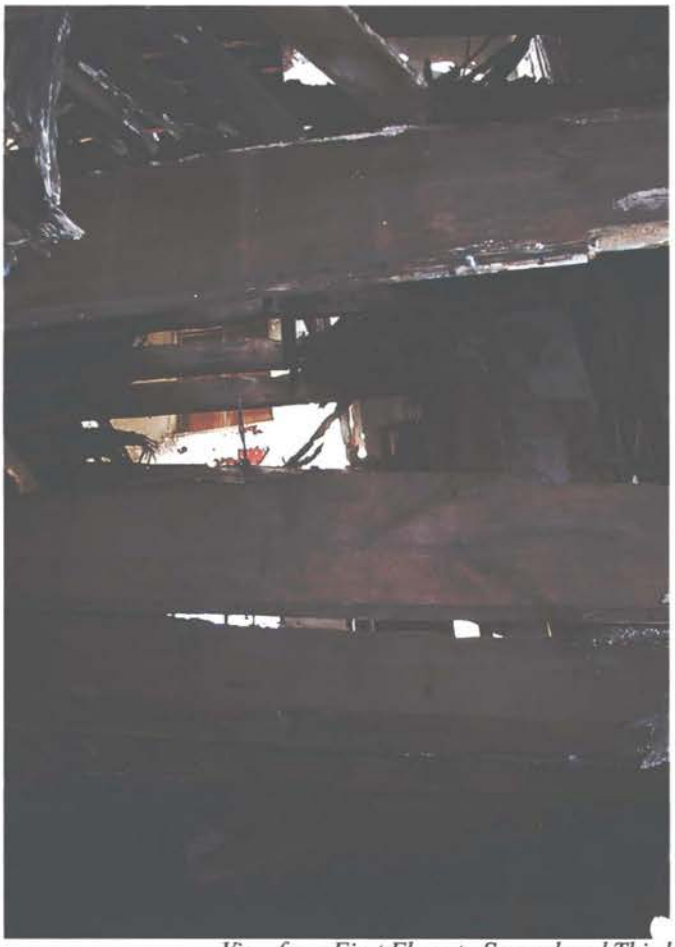
Rear facade



Rear yard at alley



Front entry



View from First Floor to Second and Third



BSA President Harry Hooker examines existing conditions



Second Floor - future Classroom # 3



Second Floor - future Classroom # 4

F

OUTLINE OF TESTIMONY OF
REPRESENTATIVE OF THE
BRANYWINE STREET ASSOCIATION

I. Introduction

   A. Formation of Brandywine Street Association

   B. Purpose and Goals

   C. Purchase of Property

II. Need for Child Development Center

III. Need for Community Service Center

IV. Support from Area Residents

V. Conclusions

OUTLINE OF TESTIMONY OF
ANN CONGDON, AIA

I. Introduction

II. Existing Conditions of Subject Property

III. Proposed Plans

- A. Basement Level
- B. First Floor
- C. Second Floor
- D. Third Floor

IV. Compliance with Special Exception Standards

- A. Child Development Center
- B. Community Service Center

V. Compliance with Test for Variance Relief

- A. Lot Occupancy, FAR, Court Width and Parking Requirements
- B. Exceptional or Extraordinary Conditions Inherent in Property
- C. Practical Difficulties in Complying with Strict Application of Regulations
- D. No Substantial Detrimental to Zone Plan if Variances Granted

VI. Conclusion