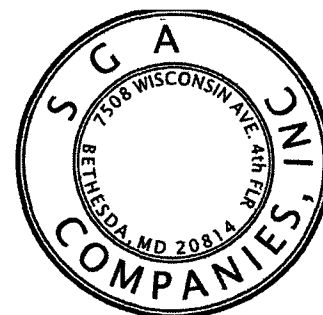




October 31, 2008

RECEIVED
D.C. OFFICE OF ZONING

2008 OCT 31 PM 4:44

Board of Zoning Adjustment

441 4th street, NW

Suite 210S

Washington, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17431

EXHIBIT NO. 56

Re: Request for Approval of Minor Modification of Approved Plans
BZA Application Number 17431 of King's Creek, LLC
at Premises 2329 & 2335 Champlain Street, NW (Square 2563, Lots 103 & 816)

Dear Honorable Members of the Board:

This letter is to respectfully request approval of minor modification of approved plans pursuant to Section 3129 of the Zoning Regulations. As further explained below, this request is for "minor modifications that do not change the material facts that the Board of Zoning Adjustment ("Board") relied upon in approving the application." See 11 DCMR §3129.7.

The Applicant also requests that the Board waive the rule under Section 3129.3 which requires a request for modification of approved plans to be filed not later than six (6) months after the date of the final order approving the Application. The date of the final order for the Application was November 28, 2006. Since the approval granted in BZA Order No. 17431, The District's residential real estate market in particular, and the nation's in general, has experienced a severe downturn. As a result, Mr. Kostelac, builder/manager of King's Creek LLC (Applicant), signed over the Partnership to the lender, Gourley & Gourley LLC Private Banking, as late as in July 2008. For the reasons discussed below, the applicant, currently managed by Gourley & Gourley LLC Private Banking has undertaken a redesign of the project and has spent a considerable amount of time attempting to reduce construction costs and improve the economics of the project, particularly given the downturn of the global economy, the credit freeze in the banking world and difficult housing market and, as a result, was unable to file this request within six (6) months of the final order.

The project approved by the Board in Application Number 17431 was a new apartment building that was designed and planned as a condominium project. Thus, all of the residential units were intended to be offered for sale. However, because the condominium market in the District of Columbia (and nationwide) has stalled and is predicted to not recover for several years, the applicant has been forced to redesign the project and convert it from condominium to a rental apartment building and to undertake numerous and significant cost-cutting efforts in order to reduce construction costs and make the units affordable to the rental market.

P:\PROJECTS\1proj\41-Gourley & Gourley\41-08-12- Champlain Street\5. Agencies Correspondence\BZA\Modification request-103108.doc

S-G-A COMPANIES, INC • 7508 Wisconsin Ave, Suite 500 • Bethesda, MD 20814 • 301-652-6263 tel • 301-652-6463 fax

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CASE NO. 17431
EXHIBIT NO. 56



A discussion of the requested minor plan modifications, together with further justifications therefore that are specific to each plan modification, follows. Copies of the plans approved by the Board are attached as Exhibit "A" and the revised plans, illustrating the minor modifications for which approval is sought are attached as Exhibit "B".

1. All previously approved five (5) rooftop hot tubs for five (5) of the six (6) residential units located on the fourth floor of the building have been eliminated. Although these changes are not visible from the street level, it is believed that the elimination of the private rooftop hot tubs reduces parts of the total bulk of the building.
2. In order to accommodate smaller units more typical of rental apartment building, all previously approved private penthouse levels and rooftop terraces of each of the fourth floor residential units have been eliminated and, instead, the revised penthouse level will be accessible to all residents. Accordingly, all stairs to private rooftop terraces previously located within the fourth floor residential units have also been eliminated. Consequently, stair #2 has been modified to extend to the penthouse level. A new stair (stair #3), allowing a second means of egress, has also been added between fourth floor and the penthouse level. The revised penthouse level houses a resident's lounge, a fitness room and two (2) ADA compliant restrooms and allows residents to access the entire rooftop terrace. The total area of the revised penthouse level has been reduced by four hundred (400) square feet from that previously approved. Although these changes are not visible from the street level, it is believed that the reconfiguration and reduction in size of the penthouse level will enhance the potential economics of the project.
3. As a result of the addition of a new staircase (stair #3) and the elimination of the private rooftop terraces and private penthouse levels, all six (6) fourth floor residential units have undergone floor plan reconfiguration to accommodate the relocation of mechanical units and provide adequate space for circulation within the units.

These reconfigurations do not affect the exterior design of the building as viewed from street level nor do they increase the footprint of the building. They do not increase the BZA approved FAR, lot occupancy, building height or any other zoning requirement and do not impact the number of units nor that of the parking spaces provided in the building. Nevertheless, the above referenced reconfigurations are a direct result of the conversion of the project from a condominium regime to a rental building.

Attached, as part of Exhibit B, please find sheets A-06, A-07, A-08, A-09, A-10, A-11, A-12, A-14 and A-15 which indicate, among other things, the approved building height is maintained and that the footprints of the revised penthouse level has been reduced from that previously approved by the Board. Also enclosed, please find a copy of the BZA decision and order as Exhibit C. As part of Exhibit D, are copies of BZA Exhibit No.2, No.3, No.4, No.6 and No.11 for your review.



Because the requested modifications are minor in nature and do not change the material facts that the Board relied upon in approving the application, the applicant respectfully requests approval of these minor modifications. No additional zoning relief is necessary as a result of these minor modifications. Furthermore, no sacrifices have been made to the aesthetics or quality of the project neither with these requested changes nor with the conversion from a condominium regime to a rental apartment building. A check to cover the filing fee of \$720 is enclosed herewith. In accordance with 11 DCMR §3180.1 (f), this fee represents twenty percent of the filing fee (\$3,600) submitted with BZA Application No. 17431.

We appreciate your consideration of this request and ask that the minor modification be taken up by the Board at the earliest available Special Public Meeting as the approval granted in BZA Order No. 17431 expires on November 28, 2008.

Respectfully submitted,
SGA Companies, Inc.

Sassan Gharai, AIA
Managing Director

Enclosures

Cc: Chairperson, Advisory Neighborhood Commission 1C (w/ encl.)
Joel Lawson, Office of Planning (w/ encl.)
Single Member District Commissioner 1C07 (w/ encl.)
John W. Holmes (w/ encl.)
David Cordingley, Gourley & Gourley LLC Private Banking (w/ encl.)



D.C. Board of Zoning Adjustment
October 31, 2008

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2008, a copy of the foregoing Applicant's request for Modification of Approved Plans (BZA Application No. 17431 of property on 2329-2335 Champlain Street, NW) was served on the following parties to the original case as stated below:

Mr. Joel Lawson
D.C. Office of Planning
801 North Capitol Street, N.E. 4th Floor
Washington, D.C. 20002

Chairperson
Advisory Neighborhood Commission 1C
PO Box 21009
Washington, D.C. 20009

Single Member District Commissioner 1C07
Advisory Neighborhood Commission 1C
PO Box 21009
Washington, D.C. 20009

Mr. John W. Holmes
c/o Adams Investment Group
1228 31st Street, N.W. - 2nd Floor
Washington, D.C. 20007

Gourley & Gourley LLC Private Banking
Attn: Mr. David Cordingley
8756 Lewinsville Road
McLean, VA 22102



Sassan Ghaheri, AIA

P:\PROJECTS\1proj\41-Gourley & Gourley\41-08-12- Champlain Street\5. Agencies Correspondence\BZA\Modification request-103108.doc

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

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance - Use Variance Special Exception	Section No(s).
2329 & 2335 Champlain Street, NW	2563	103, 816	RC/R-5-B	<u>Variance</u>	2001, 402.4, 406.1
				<u>Special Exception</u>	1403.1

Present use(s) of Property: Vacant Retail and Office Use

Proposed use(s) of Property: Residential

Owner of Property: King's Creek LLC **Telephone No:** 202 232 1891

Address of Owner: 3411 Oakwood Terrace, NW Washington DC 20010

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Pu

Hearing Notice: Application of King's Creek LLC pursuant to 11 DCMR 3104.1 and 3103.2 for special exception relief t
allow a building height of 50 feet in the Reed Cooke Overlay pursuant to §1403.1, variance relief from §2001 to permit an add
to a non-conforming structure, variance relief from §402.4 to permit an FAR of 2.66, and variance relief from §406.1 to permi
open court measuring 16' in width, for an addition to a non-conforming structure and conversion of the property to a residenti
at the premises 2329 & 2335 Champlain Street, NW (Square 2563, Lots 103 and 816).

Estimated construction cost: \$6,000,000 **Advisory Neighborhood Commission Single-Member District(s):** ANC 1C-07

Date: 9/12/05 **Signature:** Christopher Collins / TK

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name: Christopher H. Collins / Thomas J. Carroll

Address: Holland & Knight LLP Suite 100 2099 Pennsylvania Avenue, NW Washington DC 20006

Phone No.: 202-955-3000 **Fax No.:** 202-955-5564 **E-Mail:** chris.collins@hklaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Exhibit D

BZA

Case No. 17431

Exhibit No. 2

INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted. *Do not mail this form to the Board of Zoning Adjustment.*

1. All applications shall be made on Form 120. All applications must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.
3. At the time of filing an application before the Board of Zoning Adjustment, the Petitioner shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees (11 DCMR 3180).
4. ***REQUIRED information to be submitted when making an application submission, includes one (1) original and twenty (20) copies of the following (except for labels of which (1) original and (1) copy is required):***
 - A. All applicants shall obtain from the Zoning Administrator (DCRA) a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application or file through self-certification using Form 135. For self-certification, a licensed architect or attorney must certify the proposed relief requested.
 - B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11" X 17" in size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)
 - C. A detailed statement of existing and intended use of such building or part of building.
 - D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications.)
 - E. Three color photograph views of appropriate size, not-to-exceed 8½ x 11", showing pertinent features of the building and the property involved (front, rear and sides, if possible).
 - F. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and self-stick labels of the names and mailing addresses of the owners of the properties.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 941 North Capital Street, N.E., 1st Floor, Washington, D.C. 20002.)
 - G. The name and mailing address of any person who has a lease with the owner for all or part of any building located on the property involved in the application.
 - H. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change in one conforming use to another non-conforming use is requested, provided a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7602.

Washington, D.C., August 18, 2005

Furnished to: **HOLLAND & KNIGHT**

By: L.M.A.

Date: SEPT. 06, 2005

(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.

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52.79'

21.21'

13.625'

74.0'

59.54'

38.21'

18.34'

131.08'

15.92'

8.16'

74.0'

10.97'

105.85'

28.95'

33.58'

15.92'

4.76'

5.34'

9.31'

62.89'

25.31'

15'

VARIABLE WIDTH

R = 650.95

A = 12.23

P.C.

103

EXISTING BUILDING

PUBLIC ALLEY

N.W.

S.E.

Case No. 17431
Exhibit No. 3

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

**Application of King's Creek LLC
Square 2563, Lots 103 and 816
2329 & 2335 Champlain Street, NW**

Statement of Existing and Intended Uses

RECEIVED
DISTRICT OF COLUMBIA
JAN 13 PM 1:40

The Subject Property (Square 2563, Lots 103 and 816) is located at 2329 & 2335 Champlain Street, NW in the RC/R-5-B District. The Applicant, King's Creek LLC, requests variance relief from §2001.3 to allow enlargement of a nonconforming structure, from §402.4 to allow an increase in the FAR, and from §406.1 to allow an open court measuring 16' in width and requests special exception approval for a building height of 50 feet in the Reed Cooke Overlay pursuant to §1403.1 to allow the construction of an addition to an existing building to be used for a residential development in the RC/R-5-B District.

The Subject Property is currently occupied by two vacant structures. The proposed use of the Subject Property is for a residential development.

3195271_v1

BZA
Case No. 17431
Exhibit No. 4



ZONING SELF CERTIFICATION FORM



Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s) Single Member District(s)
2329-2335 Champlain Street, N.W. Washington, D.C.	2563	103, 816	RC/R-5-B	1C 07

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 – Use Variance	☐ §3103.2 – Area Variance	☐ §3104.1 – Special Exception
Pursuant to Subsections		2001.3, 402.4, and 406.1	1403.1

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

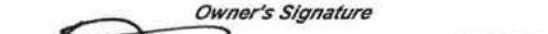
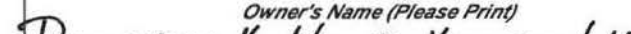
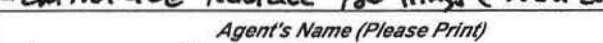
- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or difference zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

 Owner's Signature		 Owner's Name (Please Print)		
 Agent's Signature		 Agent's Name (Please Print)		
Date	D.C. Bar No.	or	Architect Registration No.	5597

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of <div> ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. <p>Explanation</p> </div>

DLA
Case No. 17431
Exhibit No. 6

2005
JUL 12 PM 1:40
RECEIVED

Signature	Date
Jerrily R. Kress, FAIA – Director District of Columbia Office of Zoning	441 4 th Street, N.W. Ste. 210-S, Washington, D.C. 20001 (202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 2001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	10,778			10,778	
Lot Width (ft. to the tenth)	96.82			96.82	
Lot Occupancy (building area/lot area)	92.8		60%	60% (3 rd and 4 th floors)	
Floor Area Ratio (FAR) (ft. to the tenth)	1.94		1.8	2.66	0.86 FAR
Parking Spaces (number)	0	0		21	
Loading Berths (number and size in ft.)	0	0			
Front Yard (ft. to the tenth)					
Rear Yard (ft. to the tenth)	0	15		23' (3 rd and 4 th floors)	
Side Yard (ft. to the tenth)	0	0			
Court, Open (width by depth in ft.)	16'	19'11"		16'	3'11"
Court Closed (width by depth in ft.)					
Height (ft. to the tenth)	25 ft. (+/-)		40 ft.	50 ft.	10 ft. (Sp. Ex.)

KINGS CREEK, LLC
DOMINIQUE OR RACHEL KOSTELAC
3411 OAKWOOD TERRACE NW
WASHINGTON, DC 20010

BANK OF AMERICA
ACH R/T 054001204

15-120-540

1129

PAY TO THE
ORDER OF

D.C. TREASURER:

\$ 2,800.00

TWO THOUSAND EIGHT HUNDRED ¹⁰⁰/₁₀₀

DOLLARS

MEMO

HOLLAND & KNIGHT LLP
2115 HARDEN BOULEVARD
LAKELAND, FLORIDA 33803-5918
(863) 682-1161

Wachovia
St. Petersburg, FL

63-751/631

80011780

VOID AFTER 180 DAYS

U.S. FUNDS

DATE
09/08/05

AMOUNT
\$800.00

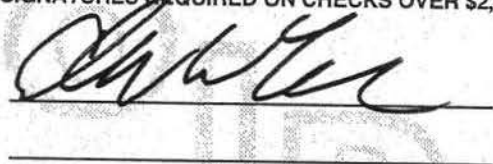
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EIGHT HUNDRED AND 00/100

TO THE
ORDER
OF

Treasurer of the District of Columbia

TWO SIGNATURES REQUIRED ON CHECKS OVER \$2,500



BZA

D.C. OFFICE OF ZONING

Case No. 17431

BOARD OF ZONING ADJUSTMENT
WASHINGTON, D.C. 20001

Exhibit No. 11

RECEIPT

BZA CASE NO. 17431

CHECK NO. 1129

Name KING'S CREEK LLC

(DATE) SEPT. 12, 2005

Address 3411 OAKWOOD TERRACE, N.W. WDC 20010

Amount \$ 3,800.00

DESCRIPTION

Application of King's Creek LLC for
VARIANCE RELIEF to allow enlargement of a NON-
CONFORMING STRUCTURE and SPECIAL EXCEPTION
to construct an addition to an existing bld.
located at 2329 + 2335 Champlain St. N.W.
Square 2563, Lot 103, 816, RC/R-5-b Zoning District.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Board of Zoning Adjustment



RECEIVED
D.C. OFFICE OF ZONING
2008 OCT 31 PM 4:44

Application No. 17431 of King's Creek, L.L.C., pursuant to 11 DCMR § 3104.1 and 3103.2, for a special exception to allow a building height of 50 feet in the Reed Cooke Overlay, under § 1403, and a variance to permit an addition to a nonconforming structure under subsection 2001.3, a variance from the floor area ratio requirements of § 402, and a variance from the court requirements under § 406, to allow an addition to, and conversion of, an existing building, for residential use in the RC/R-5-B district at premises 2329 and 2335 Champlain Street, N.W. (Square 2563, Lots 103 and 816).

HEARING DATE: February 28, 2006 and March 14, 2006
DECISION DATES: May 2, 2006

DECISION AND ORDER

This application was submitted by King's Creek, L.L.C., ("Applicant"), the owner of the property that is the subject of this application ("subject property"). The self-certified application requested a special exception and several variances in order to permit the adaptive reuse of an existing commercial building for residential purposes.

The Board held a public hearing on the application on February 28, 2006, which was continued to, and completed on, March 14, 2006. At the close of the hearing, the Board set a decision date of May 2, 2006. At the decision meeting, the Board voted 3-2-0 to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated September 13, 2005, the Office of Zoning ("OZ") gave notice of the filing of the application to the D.C. Office of Planning ("OP"), the D.C. Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 1C, the ANC within which the subject property is located, the Single Member District member for 1C07, and the Council Member for Ward 1. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing date in the *D.C. Register* and mailed notice of the hearing to the Applicant, ANC 1C, and all owners of property within 200 feet of the subject property.

Requests for Party Status. There were five requests for opposition party status, including one from the Reed-Cooke Neighborhood Association, but only one was granted by the Board. Opposition party status was granted to Mr. John W. Holmes, who is part-owner

Exhibit C

of several nearby properties. The Board determined that he would be uniquely affected if the requested relief were granted.

Applicant's Case. The Applicant presented his own case without the assistance of witnesses. With the aid of his attorney, he presented and explained the architectural renderings and the economic feasibility analysis. He testified concerning all the aspects of both the variance and special exception tests, explaining the uniqueness of the subject property and the practical difficulties arising from it, as well as the lack of harm to the Zone Plan and the benefits to the community resulting from his project.

Government Reports. The Office of Planning submitted a report to the Board dated February 21, 2006, recommending that the lot occupancy¹ and court width variances be granted and that the floor area ratio ("FAR") and expansion of a non-conforming structure variances be denied. OP also stated that it did not support the special exception for the height increase. OP argued that the Applicant had failed to demonstrate any practical difficulty in using the building for residential purposes at its current FAR and height. OP also stated that the Applicant could demolish the building and that the Applicant's submissions did not contain sufficient evidence to support the claim that remediation of late-discovered soil conditions was overly financially burdensome.

ANC Report. The ANC submitted two reports to the Board, the first based on the original application and the second based on a revised set of plans that, according to the ANC, "materially altered certain features of the project." Both ANC reports resulted from properly-noticed meetings with quorums. The first ANC report was dated February 21, 2006, and stated that, at a regularly-scheduled meeting on February 1, 2006, which was continued to February 15, 2006, the ANC decided to take no position with respect to the variances requested, but voted to recommend denial of the special exception to allow a 50-foot height. After reviewing the changed plans at a meeting on March 1, 2006, the ANC submitted its second report, dated March 6, 2006, stating that it now recommended approval of the variances and took no position with respect to the special exception to allow a 50-foot height.

Persons in Support and in Opposition. The Board heard testimony in support and in opposition to the application and received letters expressing support or opposition, including a letter in support from Councilmember Jim Graham.

¹The Office of Planning treated the application as needing a variance from lot occupancy, but the building as it exists is nonconforming as to lot occupancy. No variance is necessary to "permit" or "confer" this nonconforming status. What is necessary is a variance from § 2001.3 because of this nonconformity.

FINDINGS OF FACT

Background

1. The subject property is comprised of two lots, 103 and 816, in Square 2561, at address 2329 and 2335 Champlain Street, N.W. It is located within an R-5-B zone district and within the Reed-Cooke Overlay District.
2. The subject property fronts on Champlain Street and is bounded in the rear by a 15-foot wide public alley.
3. Champlain Street is 50 feet wide at this location.
4. Lot 103 of the subject property is improved with a two-story granite building built in 1924 and used in the past as office space, a warehouse, a garage and auto showroom, and most recently, as a retail establishment. The building is now vacant.
5. The two-story existing building is not a designated landmark or located within an historic district, but it is architecturally unique. It is an attractive building with an unusual stone façade and is prized by the neighborhood.
6. The Applicant was informed by several members of the community that if he attempted to raze the building, they would petition to have it designated an historic landmark by the District of Columbia government.
7. Lot 816 of the subject property is improved with a much smaller two-story building which is attached to the side of the building on Lot 103. This smaller two-story building is also vacant and had also been used in the past for commercial uses.
8. The subject property was located in a C-M-2 (Commercial-Manufacturing) zone district until 1987 when the Reed-Cooke Overlay was adopted and the zoning was changed to RC\R-5-B. Therefore, prior to 1987, the commercial uses in the buildings were permitted as a matter-of-right, but after 1987, they became non-conforming uses.
9. The lot occupancy of the Lot 103 building is approximately 97%, and the combined lot occupancies of the buildings on Lots 103 and 816 is currently 92.8%, both significantly more than the 60% permitted in the R-5-B zone district, but less than the 100% permitted in the former C-M-2 district. *See*, 11 DCMR §§ 403.2 and 842 & 843 (no side yard or rear yard at grade required in a C-M district.)
10. The FAR of the building on Lot 103 is currently 1.9, slightly more than the 1.8 permitted in the R-5-B district, but less than the 4.0 permitted in the former C-M-2 district. *See*, 11 DCMR §§ 402.4 and 841.1.

11. The height of the building on Lot 103 is currently 24.66 feet. The R-5-B zone district permits a maximum height of 50 feet. 11 DCMR § 400.1. The Reed-Cooke Overlay permits a height of only 40 feet, but also authorizes the Board, at 11 DCMR § 1403, to grant a special exception to permit a 50-foot height maximum if certain criteria are met.

The Applicant's proposed project

12. The Applicant proposes to combine Lots 816 and 103 and add a two-story addition on top of the building on Lot 103. The Applicant will demolish the smaller building on Lot 816 and replace it with a 4-story side addition to the Lot 103 building.²
13. The Applicant's project will be wholly residential, in keeping with the R-5-B zone district, and will provide 22 condominium units and 21 below-grade parking spaces, plus four tandem spaces.³
14. The Applicant's proposal will not change the lot occupancy of the building, but will increase the FAR to 2.66.
15. Because the proposed FAR is greater than the 1.9 permitted in the underlying zone, a variance from this limit is required.
16. In addition, because the building is already non-conforming for lot occupancy and FAR, the addition necessitates that the Applicant request a variance from 11 DCMR § 2001.3, which prohibits additions to buildings that do not conform to lot occupancy requirements or that increase an existing nonconformity.
17. The addition of two more floors above the existing building also necessitates that the Applicant request a special exception to permit a height of 50 feet. *See*, 11 DCMR § 1403.
18. In order to ensure light and air to one of the basement-level dwelling units, the Applicant will extend the open court at the rear of the northern-most portion of the building below grade, creating a court with a total height of 60 feet.

²The smaller building on Lot 816 will be razed and the two lots combined. Therefore, from this point on, this Order treats the proposed project as one building, on Lot 103, with one FAR, height, etc.

³No parking is required for the proposed use because the parking credits generated by the prior uses exceed the new residential requirement. If parking were required, the ratio would be one space for each two dwelling units, or 11 spaces.

19. The R-5-B zone requires an open court width of 4 inches per foot of height of the court, thus requiring a court width of 20 feet. The project is providing a court of only 16 feet wide, necessitating that the Applicant request a court-width variance. *See*, 11 DCMR § 406.1.

Variance Relief Under § 3103

Extraordinary situation or condition

20. The subject property is covered by a commercial/warehouse-type structure. The property has valid certificates of occupancy for retail use on the first floor and office use on the second floor, both of which would be permitted only as non-conforming uses in this R-5-B zone.
21. The Applicant has tried to lease the building for these uses, but has been unable to find lessors because the property and its surroundings are all now zoned residentially.
22. With the current R-5-B zone designation, few non-residential uses are permitted in the area and the building on the subject property, constructed and designed, as it was, for commercial/industrial uses, has become outmoded.
23. The building has, in the last few years, become destabilized due to vibrations caused by construction in the area. The Applicant has spent a considerable amount of time, effort, and money to stabilize the crumbling façade and solid granite perimeter walls, including rebuilding deep foundation walls.
24. Efforts to stabilize the building have been complicated and expenses increased by the discovery, during the digging and rebuilding of the foundation walls, of petrochemical soil contamination, which had apparently leaked from the underground storage tanks of a former gas station located to the north of the subject property.
25. At the time of the hearing, approximately 8,000 tons of soil had been removed from the property and remediation was not yet complete.
26. Foundation stabilization and soil remediation, at the time of the hearing, had cost the Applicant approximately \$4.4 million.
27. The open court provided by the project is bounded by property lines to the north and east and by building walls to the south and west, with an opening out to the rear alley.

28. In order to provide light and air to a dwelling unit at the lowest level, this court must remain open to the bottom of the foundation wall bounding the court to the south, which is 17 feet below grade.
29. Neither this foundation wall nor the lot lines can be moved to allow for a greater court width.

Practical Difficulty

30. The building is up to 120 feet deep from front to rear, with 16-inch thick solid granite walls largely on the property lines.
31. The building's north and south facades currently have no windows.
32. Cutting windows through the thick granite walls and supporting them to maintain them will be very expensive.
33. At only two stories, the second floor residential units would be surrounded by taller buildings on two, and potentially three, sides, with many windows on lot lines.
34. The front façade of the building has large showroom-type windows and garage openings located on the property line and facing immediately onto the sidewalk, resulting in reduced privacy and the need for a discounted sales price.
35. With only two floors, the building could only offer traditionally less-desirable "lower floor units" which could not be sold for the cost to develop them, particularly after the cost of foundation stabilization and soil remediation.
36. Residential condominium use of the building at its current size would result in a loss of approximately \$5 million to the Applicant.
37. The extra floors, and thus the extra height and FAR, provide upper floor units which can be sold at a higher rate to offset the costs of the project and the lower rates at which the "lower floor units" will be sold.
38. If the court did not have to extend below-grade, its total height would be reduced and it would substantially comply with the court-width requirements.
39. To achieve this substantial compliance, however, would mean foregoing the provision of light and air to a lower-level unit, or, perhaps, foregoing the unit itself.

No Substantial Detriment

40. This area was previously zoned C-M-2, and many of the buildings in the area have lot occupancies significantly in excess of 60%.
41. The building just to the south of the subject property is 50 feet tall and the building across Champlain Street from the subject property is 55 feet tall. Both these buildings obtained zoning relief to reach these heights.
42. Directly behind the subject property, across the alley, are several lots zoned R-5-B, but not within the Reed-Cooke Overlay. They can therefore be built to a matter-of-right height of 50 feet. *See*, 11 DCMR § 400.1.
43. The two new floors proposed by the Applicant will be set back from the front parapet line, reducing the massing of the building and allowing additional light to reach the street.
44. Retention of the existing structure preserves an architecturally unique building that is valued by many members of the community.
45. Converting the building from past commercial uses to residential use is consistent with the Zone Plan and the purposes of the Reed-Cooke Overlay.
46. The proposed project is providing ample and unobtrusive underground parking and will have little or no impact on traffic and parking in the neighborhood.

Special Exception Relief Under §§ 1403 and 3104

47. The Applicant's project will be 50 feet high with a 10-foot high rooftop penthouse structure, resulting in a 60-foot building, only 1.5 feet higher than a matter-of-right 40-foot building with a matter-of-right 18.5-foot rooftop penthouse. *See*, 11 DCMR §§ 400.1 and 400.7(c).
48. The residential use at the size, intensity, and location proposed furthers the specific goal of the Reed-Cooke Overlay to "provide for the development of new housing." *See*, 11 DCMR § 1400.2(a)(1).
49. Vehicular access to the proposed project will be from the 15-foot-wide public alley at the rear of the property, therefore, no curb cut on Champlain Street will be used and there will be no conflict with pedestrian ways.
50. A below-grade parking garage with sufficient parking will be provided, mitigating any potential impact on street parking in the neighborhood.

51. An open area at the rear of the building adjacent to the alley is available if necessary for the use of a service vehicle.
52. The proposed residential use will not produce any excessive noise and will not have any outdoor materials storage.
53. The proposed building and residential use are in harmony with the R-5-B zone district's "moderate height and density." *See*, 11 DCMR § 350.2.

CONCLUSIONS OF LAW

The Variance Relief

The Board is authorized to grant variances from the strict application of the Zoning Regulations to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of the Zoning Regulations would "result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property." D.C. Official Code § 6-641.07(g)(3) (2001), 11 DCMR § 3103.2. The "exceptional situation or condition" of a property can arise out of the structures existing on the property itself. *See, e.g., Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974). Relief can be granted only "without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2.

An applicant for area variances must make the lesser showing of "practical difficulties," as opposed to the more difficult showing of "undue hardship," which applies in use variance cases. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: exceptional condition of the property, that such exceptional condition results in "practical difficulties" to the Applicant, and that the granting of the variances will not impair the public good or the intent or integrity of the Zone Plan and Regulations.

The Applicant has requested three variances, one to permit extra FAR, one to permit a narrower-than-permitted court width, and one to permit an addition to a nonconforming structure. The third variance is necessary as an adjunct to the first two because the subject building is nonconforming as to FAR and lot occupancy, triggering the need for a variance from § 2001.3, which prohibits increasing an existing nonconformity or adding an addition to a structure not conforming to lot occupancy requirements. *See*, 11 DCMR § 2001.3(a) and (b)(2). Because the third variance is "piggybacked" on the first two, if the Applicant meets the variance test for the first two, it also meets the test for the third.

The subject building was constructed as an auto repair garage in 1924, before the enactment of the Zoning Regulations. The property was eventually zoned C-M-2, and the building continued to be viable as a commercial structure. In 1987, the zoning was changed to RC/R-5-B, and the surrounding neighborhood has become mostly residential. The building, as it currently exists however, is unsuited to residential uses. It is a 2-story, warehouse-type structure with thick granite walls, and wide, showroom-style windows and garage openings on the first floor. Both certificates of occupancy extant for the building are for non-residential uses, which would be, at best, non-expandable nonconforming uses. As a commercial structure, the building is now obsolete. However, the structure may be renovated for modern-day residential use in a manner that preserves its distinctive architectural features. Therefore, the Board concludes that the nature of the building and its existence on the lot constitute an exceptional circumstance which the Applicant must contend with and which meets the first prong of the variance test.

The Applicant's practical difficulties with its project, as well as its need for extra height, arise out of the building itself. While the Board recognizes that the Applicant is not currently forced to retain the building due to historic preservation, or other constraints, the Board also recognizes that the Applicant is likely to encounter opposition should he attempt to raze it. The Board notes that individuals in the neighborhood have stated an intent to file an application to have the building designated an historic landmark if the Applicant attempts to demolish it. The filing of such an application would prevent its destruction while the application is pending, and, if designated, permanently thereafter. *See D.C. Official Code § 6-1102 (c)(1) (2001).*

Moreover, the Board does not see the wisdom in potentially forcing the Applicant to raze an attractive and historically-interesting building, which may well be worth designating a landmark, merely because if it does so, new construction *may* not require zoning relief. This is entirely different from the situation where an applicant seeks a variance to undertake alteration that would cost less than matter of right renovations. *Cf. Barbour v. District of Columbia Board of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976) (BZA denial of variance affirmed because applicant failed to demonstrate "that added expense and inconvenience inherent in the alternative methods of expansion are unnecessarily burdensome or rise to the level of 'peculiar and exceptional practical difficulties'").

The Board agrees with the Applicant that retaining the building will cause extra expense in cutting and supporting windows in the thick granite walls. Windows are necessary for residential units. The building as is, or with one additional floor, would still be surrounded by taller buildings on two, and potentially three, sides. Complicating matters still further is the unexpected discovery of the soil contamination and the expense of foundation stabilization and soil remediation. With these costs added to the cost of

construction, the extra height and FAR are necessary to make the project financially viable.

The court-width relief is necessary to provide adequate light and air to one of the lower-level residential units. Because of the 60-foot total height of the court, a court width of 20 feet is necessary. A court of only 16 feet is being provided, but the Applicant cannot move either a foundation wall or a lot line to increase the width. The strict application of the regulations would preclude the ability to provide light and ventilation to the lower-level unit, perhaps precluding the unit itself and resulting in a further financial burden.

All three variances requested can be granted without impairing the public good or the intent and integrity of the Zone Plan, Zoning Regulations or Map. The amount of extra FAR requested, and therefore, the total FAR of the completed building, is not inconsistent with the FARs of other buildings in the area. This extra FAR will be put to residential uses, in harmony with the residential neighborhood and the R-5-B zoning. The somewhat reduced court width will have no negative impact, and at 16 feet, provides sufficient light and air to the building.

The Special Exception Relief

The Board is authorized to grant a special exception where, in its judgment, the special exception 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.” 11 DCMR § 3104.1. Certain special exceptions must also meet the conditions enumerated in the particular section pertaining to them. In this case, the Applicant had to meet both the requirements of § 3104.1 and § 1403 of the Zoning Regulations.

The first requirement of § 1403 is that the building at the size, location, and intensity proposed will substantially advance the purposes of the Reed-Cooke Overlay. The Applicant’s project meets this requirement by providing new housing (*See*, 11 DCMR § 1400.2(a)(1)) at an appropriate size and intensity of use. The Applicant’s project also advances the Reed-Cooke Overlay goal of protecting adjacent and nearby residences from damaging environmental, social, and aesthetic impacts by renovating and re-using the now-unused building. Potentially damaging environmental impacts will be prevented by the soil clean-up and remediation being undertaken by the Applicant. The stylish design and re-energizing presence of the newly-re-used building will have positive social and aesthetic impacts on the neighborhood.

Section 1403 also requires adequate off-street parking, as well as vehicular access and egress that is safe, efficient, not in conflict with pedestrian ways, and not liable to cause objectionable traffic conditions. These requirements are also met by the Applicant’s project. Although no parking is required due to parking credits generated by previous

uses of the building, the Applicant is providing 21 parking spaces, 10 more than the 11 that would be required by the Zoning Regulations. *See*, 11 DCMR § 2101.1. All the parking spaces will be in an unobtrusive underground garage and will be accessed by an entrance from the alley behind the building. There will be no curb cuts on Champlain Street to access the garage and therefore no interference with pedestrian ways along the street. The parking garage access and design is safe and efficient and the introduction of 22 new residential units into the neighborhood will not create any dangerous or objectionable traffic conditions.

Both sections 1403 and 3104.1 are concerned with noise impacts and general detriment to the health, safety, convenience, and welfare of nearby residents and visitors. The Applicant's project will have no significant noise impacts on the neighborhood and will not affect adversely the use of neighboring property. The project's residential nature is also in harmony with the intent and purpose of the Zoning Regulations and Map, and certainly more so than any continuation of the previous nonconforming uses would be.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Office of Planning recommended approval of the court width variance, but recommended denial of the FAR and addition to nonconforming structure variances. OP also did not support granting the special exception to permit extra height. The Board agrees with OP insofar as the court width variance, but disagrees with OP as to the other relief requested. OP's report indicates that at least part of its rationale for not supporting the FAR and addition to nonconforming structure variances was because the Applicant has the option to raze the building and, at the time, no documentation had been produced to support the Applicant's claimed costs of foundation stabilization and soil remediation. As explained earlier, the Board finds that there would be practical difficulties associated with razing the building as well as a detrimental impact to the public from the loss of this architecturally valued structure. As to the costs claimed by the Applicant, the Board is now satisfied that they have been documented and that they add to the Applicant's unique situation and practical difficulties in abiding by the Zoning Regulations.

With regard to the special exception for the height, OP was of the opinion that the 40-foot height allowed by the R-5-B zone district was sufficient and that no more height was necessary. The Applicant, however, explained that the extra height was necessary to financially support the project and to make the building more harmonious with neighboring buildings. Part of this explanation is based on the evidence of costs of

foundation stabilization and soil remediation, which, again, was not before OP at the time of its report. Further, the Board concludes that the Applicant meets all the requirements of both §§ 1403 and 3104.1, and therefore, the special exception should be granted. *See, First Baptist Church of Washington v. D.C. Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C.1981). ("If the applicant meets its burden, the Board ordinarily must grant the [special exception] application.")

ANC 1C decided to support the granting of all the variances, a position with which the Board agrees. The ANC took no position with respect to the special exception for the height; therefore, there is no decision to be accorded great weight by the Board.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application for variances pursuant to § 3103.1, to permit an addition to a nonconforming structure under § 2001.3, from the floor area ratio requirements of § 402, and from the court width requirements of § 406, and also with respect to an application for a special exception to allow extra height pursuant to §§ 1403 and 3104. Accordingly, it is therefore **ORDERED** that the application be **GRANTED**.

VOTE: 3-2-0 (Ruthanne G. Miller, John A. Mann II, and Curtis L. Etherly, Jr. to grant; Geoffrey H. Griffis and Gregory N. Jeffries to deny.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: _____


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

FINAL DATE OF ORDER: NOV 28 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND

REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

LM

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17431

As Director of the Office of Zoning, I hereby certify and attest that on **NOVEMBER 28, 2006**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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Thomas J. Carroll, Esquire
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Washington, D.C. 20010

Chairperson
Advisory Neighborhood Commission 1C
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Washington, D.C. 20009

Single Member District Commissioner 1C07
Advisory Neighborhood Commission 1C
PO Box 21009
Washington, D.C. 20009

John W. Holmes
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Washington, D.C. 20007

Bill Crews
Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Councilmember Jim Graham

BZA APPLICATION NO. 17431

PAGE NO. 2

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1350 Pennsylvania Avenue, N.W., Suite 105
Washington, D.C. 20004

Ellen McCarthy, Director
Office of Planning
801 North Capitol Street, N.E., 4th Floor
Washington, D.C. 20002

Alan Bergstein
Office of the Attorney General
441 4th Street, N.W., 7th Floor
Washington, D.C. 20001

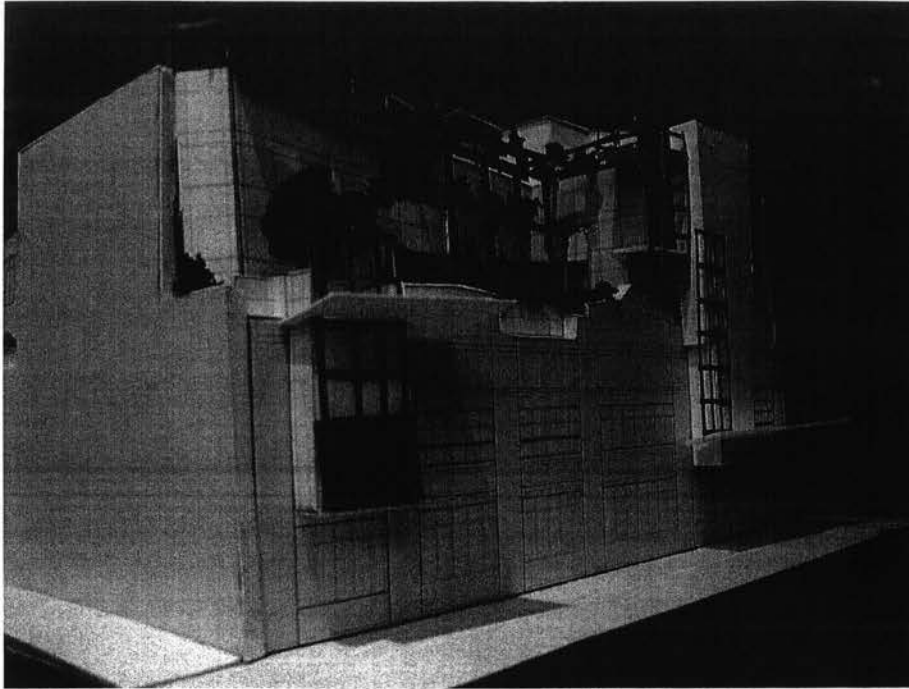
Jill Stern
General Counsel
941 North Capitol Street, N.E., Suite 9400
Washington, D.C. 20002

ATTESTED BY:

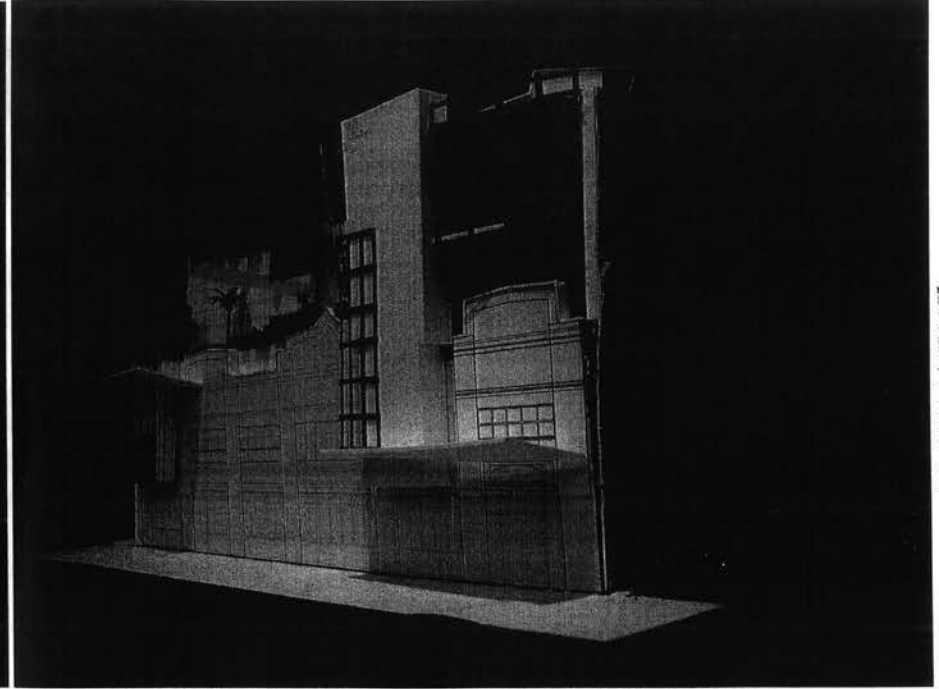


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

TWR

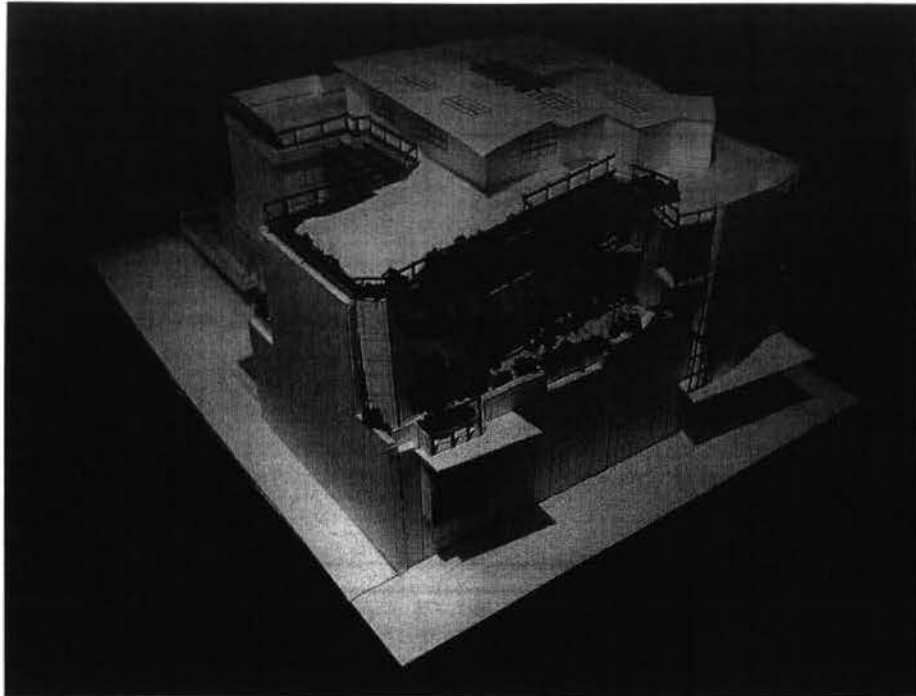


MODEL VIEW SOUTH ON CHAMPLAIN STREET

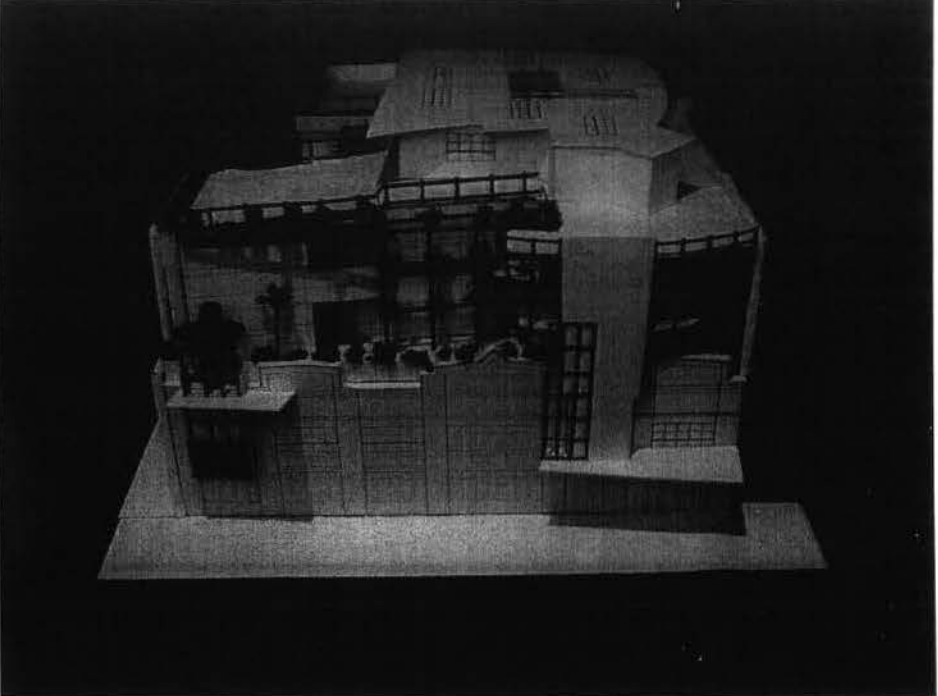


MODEL VIEW NORTH ON CHAMPLAIN STREET

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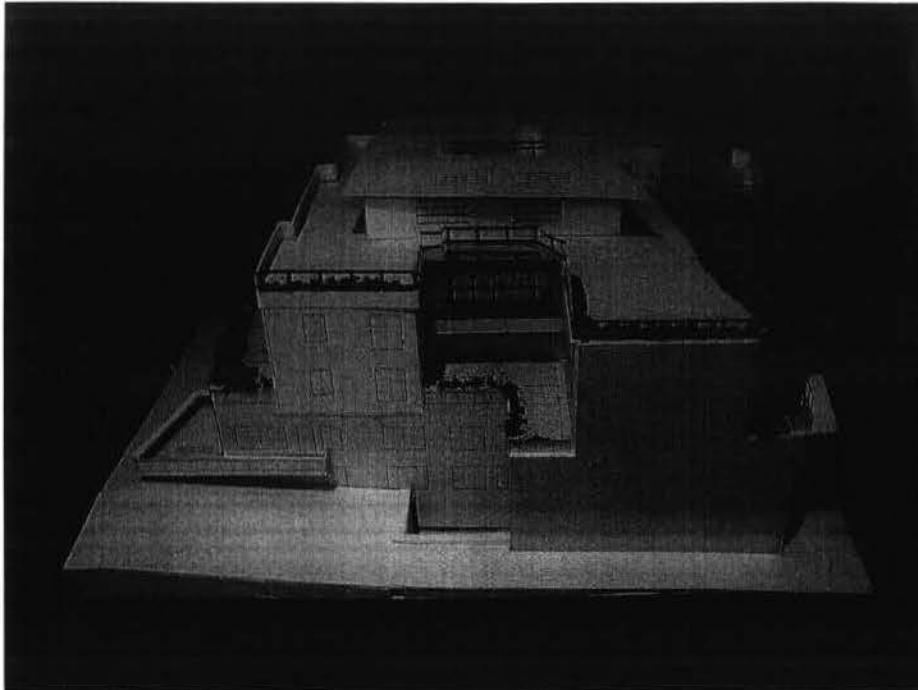


BIRDS EYE VIEW

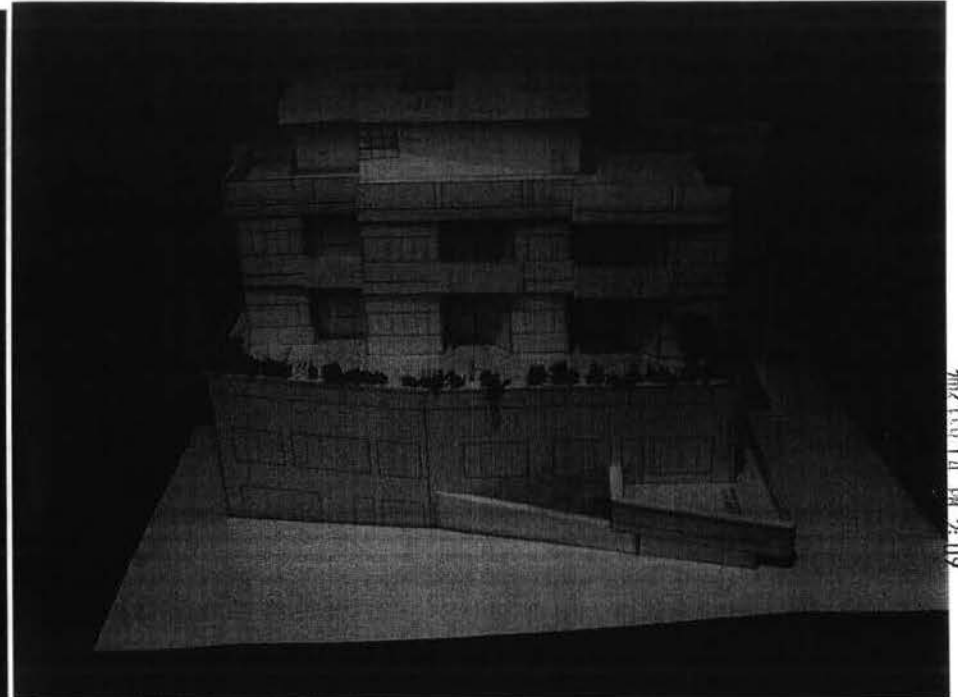


CHAMPLAIN STREET ELEVATION

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NORTH ELEVATION



REAR EAST ELEVATION

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(7) 301 - 682 - 6263
(9) 301 - 682 - 6463

BZA
APPLICATION
SET

REVISIONS

NO.	DESCRIPTION

ISSUED

25/06/2018 BZA APPLICATION

PROPERTY AREA = 9771.28 SF
+ 1007.00 SF = 10778.28 SF

$FAR=28700 / 10778.28 = 2.66$

SUB CELLAR FLOOR PLAN	AREA= 1608 SF	MECH. SPACES AND/OR ORIELS	AREA= 1608 SF	FAR ADMISSIBLE AREA	= 0000 SF
CELLAR FLOOR PLAN	AREA= 9782.5 SF	MECH. SPACES AND/OR ORIELS	AREA= 456 SF	FAR ADMISSIBLE AREA	= 0000 SF
FIRST FLOOR PLAN (CELLAR PORTION)	AREA= 6924.5 SF AREA= 3018.0 SF)	MECH. SPACES AND/OR ORIELS	AREA= 302 SF	FAR ADMISSIBLE AREA	= 6622.5 SF
SECOND FLOOR PLAN	AREA= 9930.5 SF	MECH. SPACES AND/OR ORIELS	AREA= 363 SF	FAR ADMISSIBLE AREA	= 9567.5 SF
THIRD FLOOR PLAN	AREA= 6539 SF	MECH. SPACES AND/OR ORIELS	AREA= 286.5 SF	FAR ADMISSIBLE AREA	= 6252.5 SF
FOURTH FLOOR PLAN	AREA= 6495.6 SF	MECH. SPACES AND/OR ORIELS	AREA= 239.15 SF	FAR ADMISSIBLE AREA	= 6256.5 SF
PENTHOUSE FLOOR PLAN	AREA= 4088.6 SF	MECH. SPACES AND/OR ORIELS	AREA= 202 SF	FAR ADMISSIBLE AREA	= 0000 SF
TOTAL AREA = 48386.7 SF				TOTAL PLANNED ADMISSIBLE AREA = 28699 SF	

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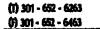
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APPLICATION
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REVISIONS		

ISSUED

PRIMA	BZA APPLICATION
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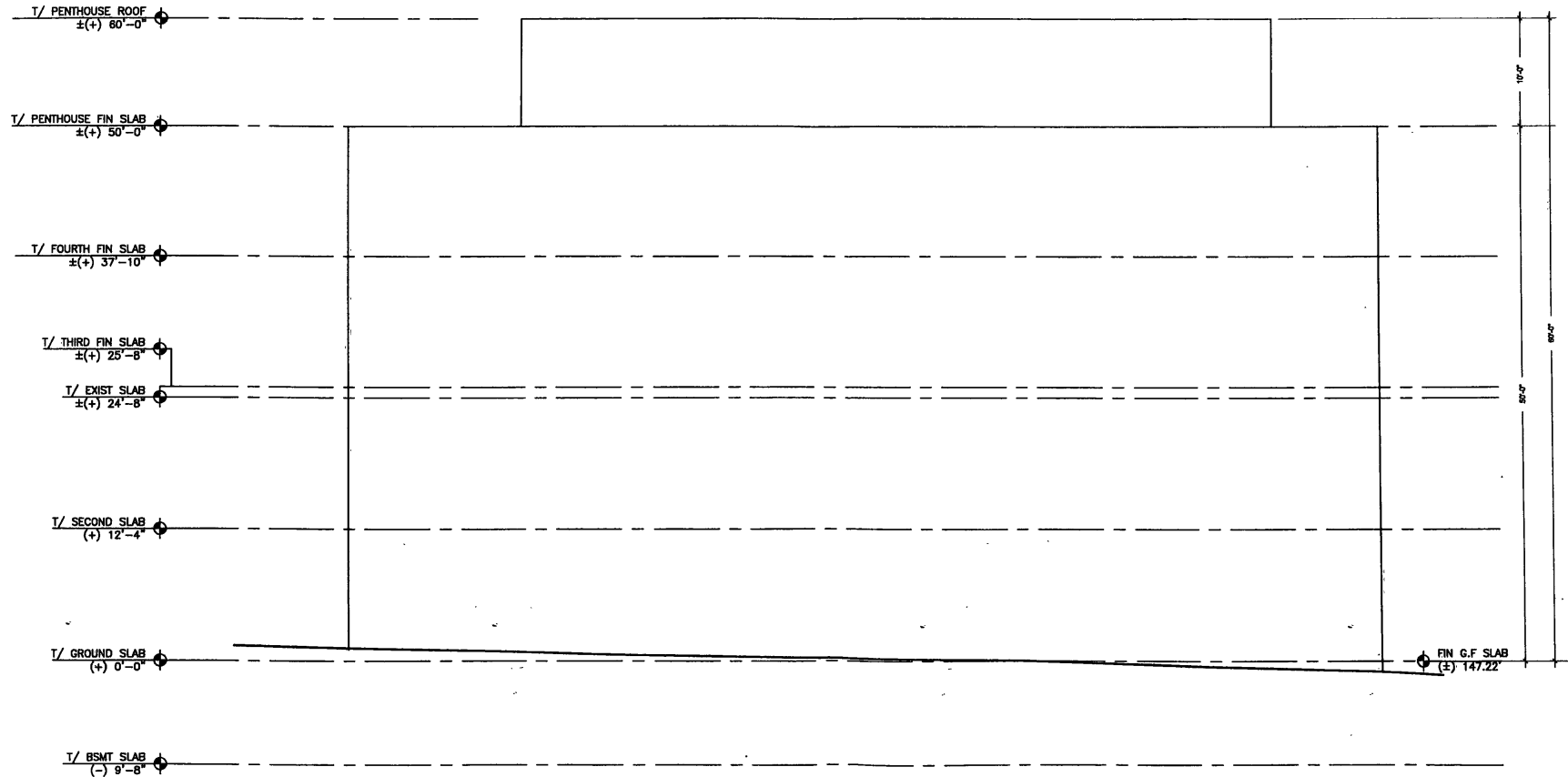
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SCALE	AS NOTED
FILE	

SHEET TITLE
ZONING
ANALYSIS

SHEET

ZA-5

OF 0000



**BUILDING HEIGHT DIAGRAM
CHAMPLAIN STREET
ELEVATION**



(7) 301 - 652 - 6263
(7) 301 - 652 - 6463

BZA
APPLICATION
SET
REVISIONS

ISSUED
DURING BZA APPLICATION

OWNER:

KING'S CREEK LLC
841 CHAMPLAIN STREET, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC
1000

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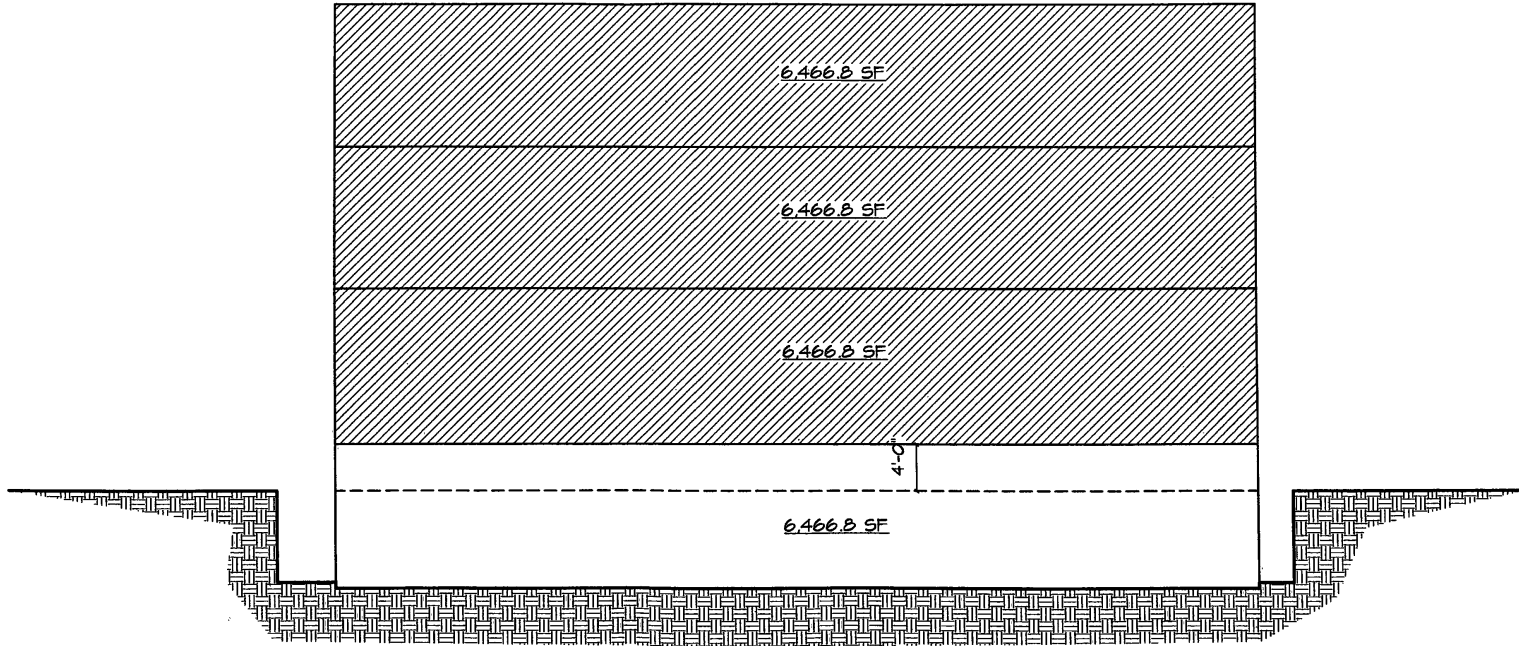
SHEET TITLE
FAR DIAGRAM
BY RIGHT

SHEET

ZA-6

DC, OFFICE OF ZONING

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FAR 1.8 DIAGRAM - MATTER OF RIGHT
N.T.S.



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(F) 301 - 652 - 6463

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REVISIONS

ISSUED
2019.04.04 BZA APPLICATION

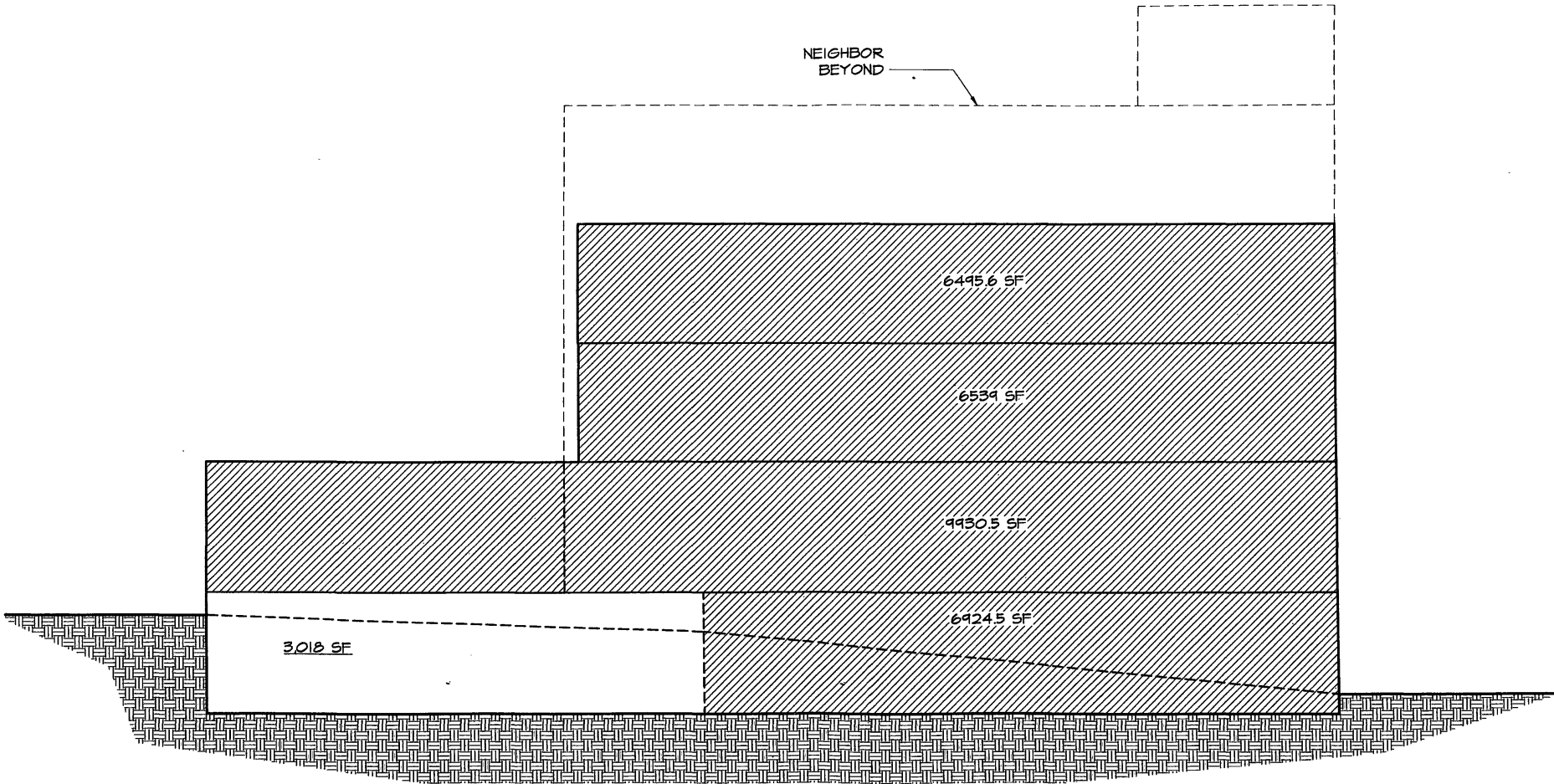
OWNER: KINGS CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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SHEET TITLE: FAR DIAGRAM PROPOSED
SHEET: ZA-7

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FAR 2.66 DIAGRAM - CURRENT PROPOSAL
N.T.S.



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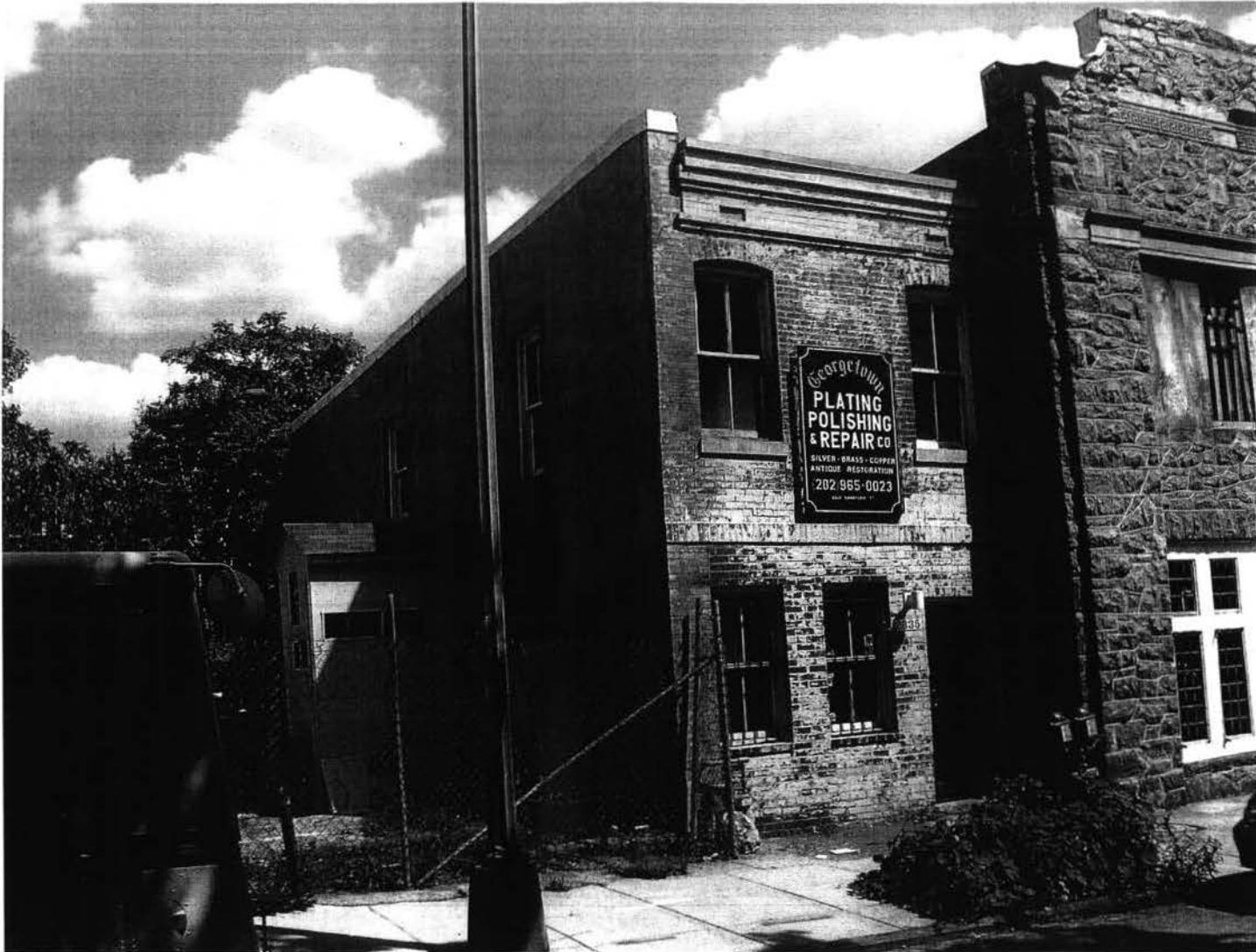
FRONT VIEW FROM CHAMPLAIN STREET

P-1



FRONT VIEW FROM CHAMPLAIN STREET

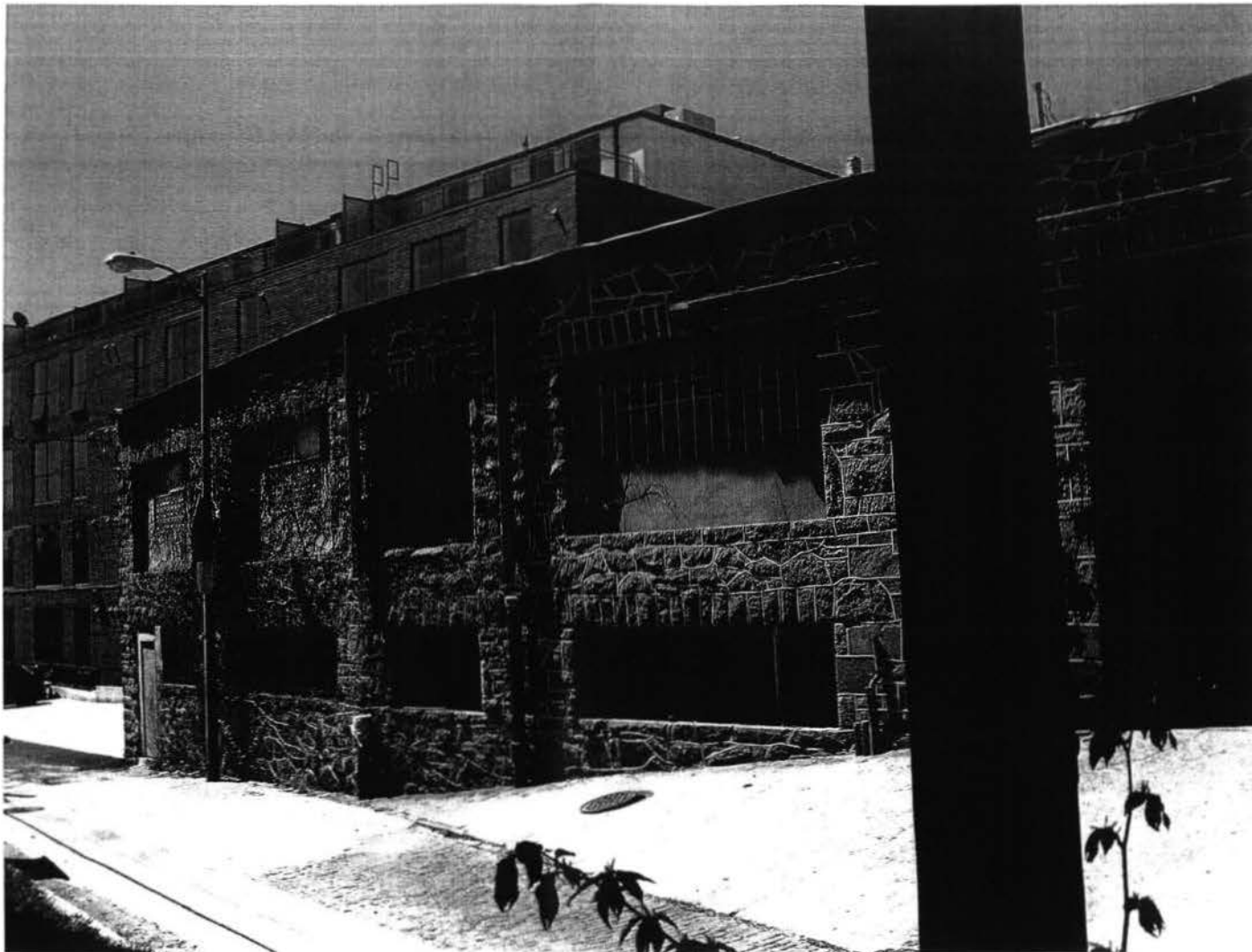
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SIDE VIEW FROM CHAMPLAIN STREET

P-3

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VIEW FROM PUBLIC ALLEY

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REAR VIEW

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CORNER VIEW FROM PUBLIC ALLEY



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VIEW SOUTH DOWN CHAMPLAIN STREET



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VIEW SOUTH DOWN CHAMPLAIN STREET

2329-2335 CHAMPLAIN STREET NW, WASHINGTON DC



Exhibit A

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2011 JUN 14 PM 2:01

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VIEW NORTH UP CHAMPLAIN STREET	P-8



(1) 301 - 682 - 6263
(7) 301 - 682 - 6463

BZA APPLICATION SET

REVISIONS

ISSUED

SECOND BZA APPLICATION

OWNER: KING'S CREEK LLC
3400 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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CHECKED BY: SGA

SCALE: AS NOTED

FILE:

SHEET TITLE: CONTENTS, ORGANIZATION

SHEET: C-01

OF 0000

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DC OFFICE OF ZONING

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., August 18, 2005

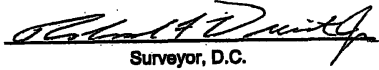
Plat for Building Permit of SQUARE 2563 LOTS 103 & 816

Scale: 1 Inch = 20 feet Recorded in Book 181 Page 11 (LOT 103)
Book A&T Page 410 (LOT 816)

Receipt No. 21980

Furnished to: HOLLAND & KNIGHT

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted 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.)

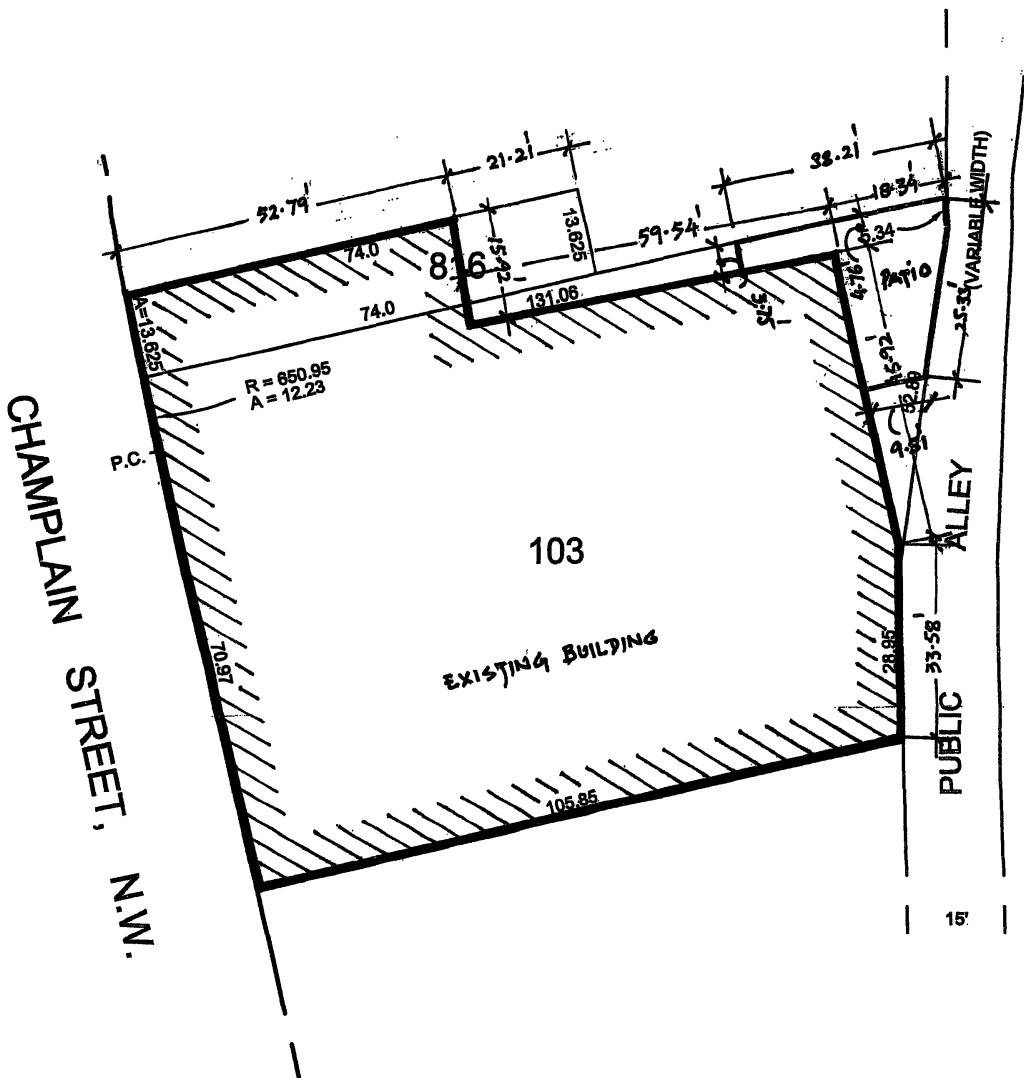

Surveyor, D.C.

Date: SEPT. 06, 2005

By: L.M.A. 

(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.



2005 SEP 14 PM 2:03

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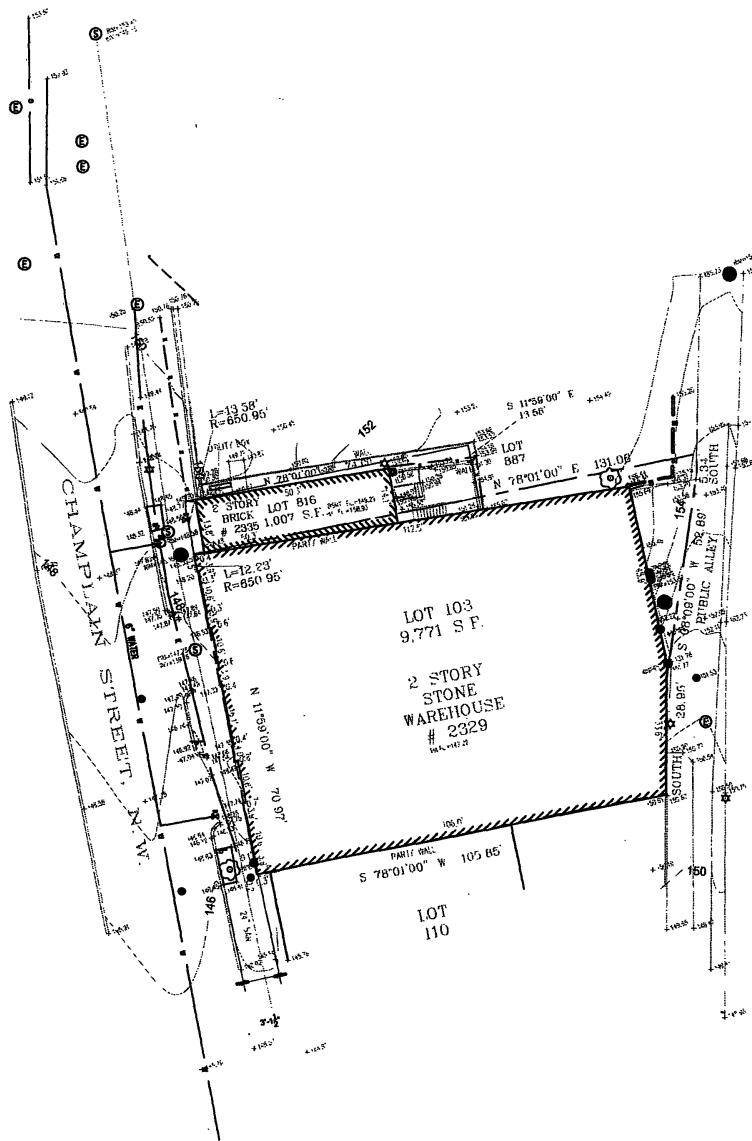
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LEGEND

- METAL RAIL
- CHAIN LINK FENCE
- LIGHT POLE
- UTILITY POLE
- STORM DRAIN MANHOLE
- GUY
- SEWER MANHOLE
- WATER METER
- TRANSVERSE CONTROL POINT
- STORM DRAIN INLET
- HYDRANT
- WATER MANHOLE
- WATER VALVE
- TREE/SIZE
- SIGN
- PARKING METER

TOPOGRAPHIC & BOUNDARY SURVEY



(7) 301 - 632 - 6263
(7) 301 - 632 - 6463

BZA APPLICATION SET

REVISIONS

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2/14/2014 BZA APPLICATION

OWNER
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2329 - 2335
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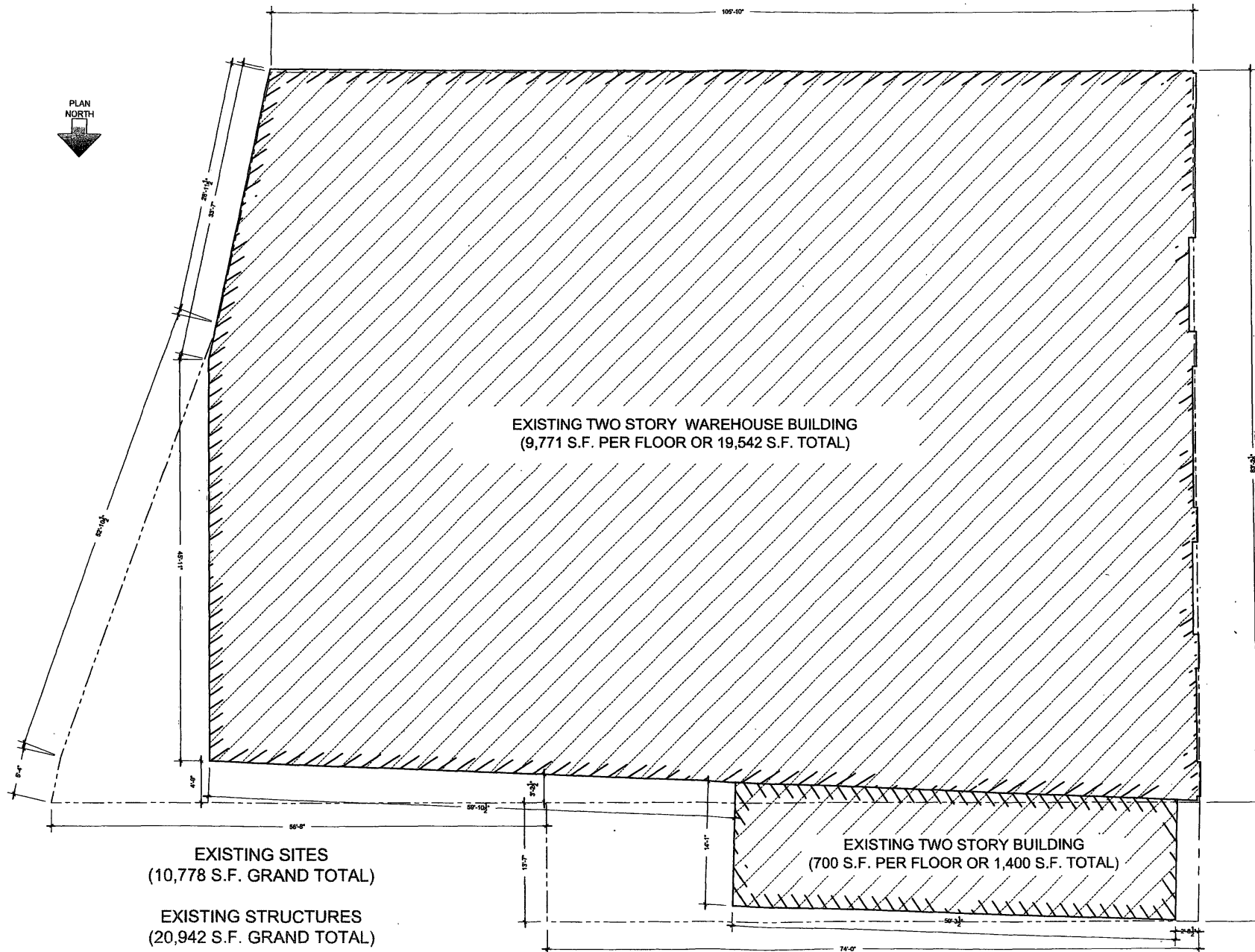
FILE

SHEET TITLE
SURVEY / PLAT

SHEET

G-1

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2/24/66 BZA APPLICATION

DIAMER.

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2329 - 2335
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WASHINGTON DC 20037

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DRAIN BY	
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SCALE	3/37"

SHEET TITLE
EXISTING
STRUCTURE
SHEET

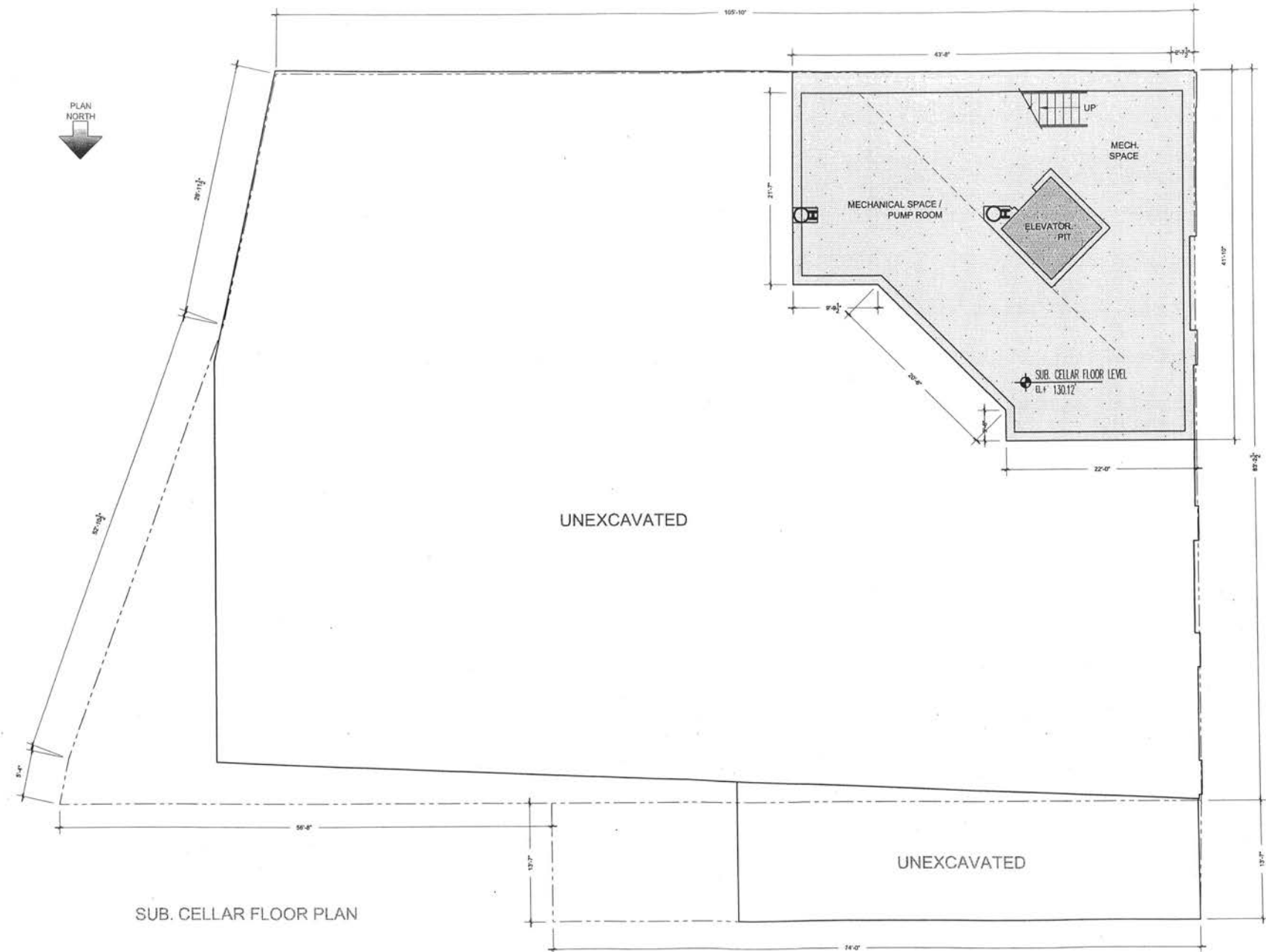
G-2

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AERIAL VIEW

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01301-652-6463
01301-652-6463

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APPLICATION
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2/14/14 BZA APPLICATION

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WASHINGTON, DC

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SCALE
FILE

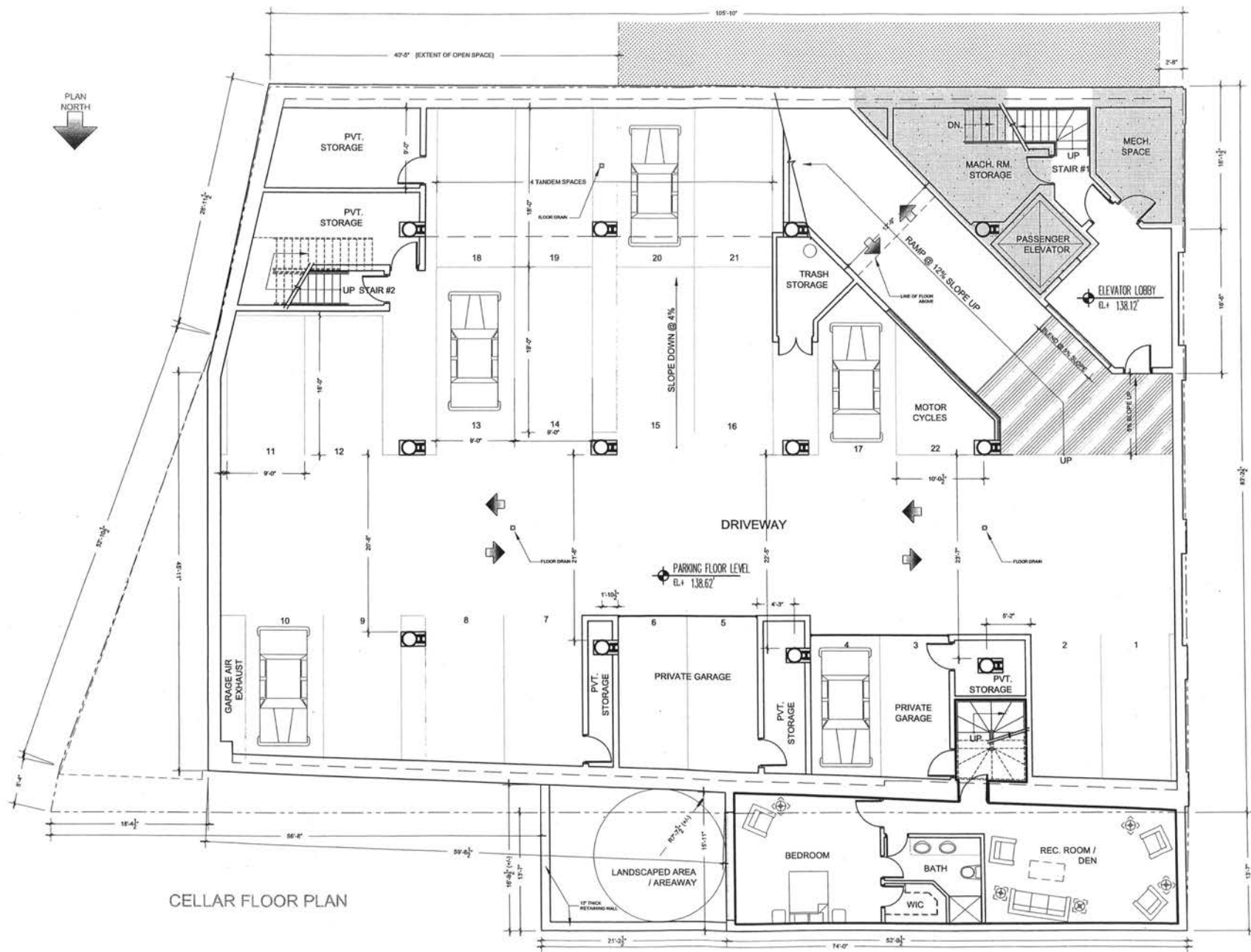
SHEET TITLE
SUB. CELLAR
FLOOR PLAN

SHEET

A-01

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BZA
APPLICATION
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REVISIONS

ISSUED
2/24/96 BIA APPLICATION

OWNER
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

OWNER:

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CHAMPLAIN STREET, NW
WASHINGTON, DC 20037

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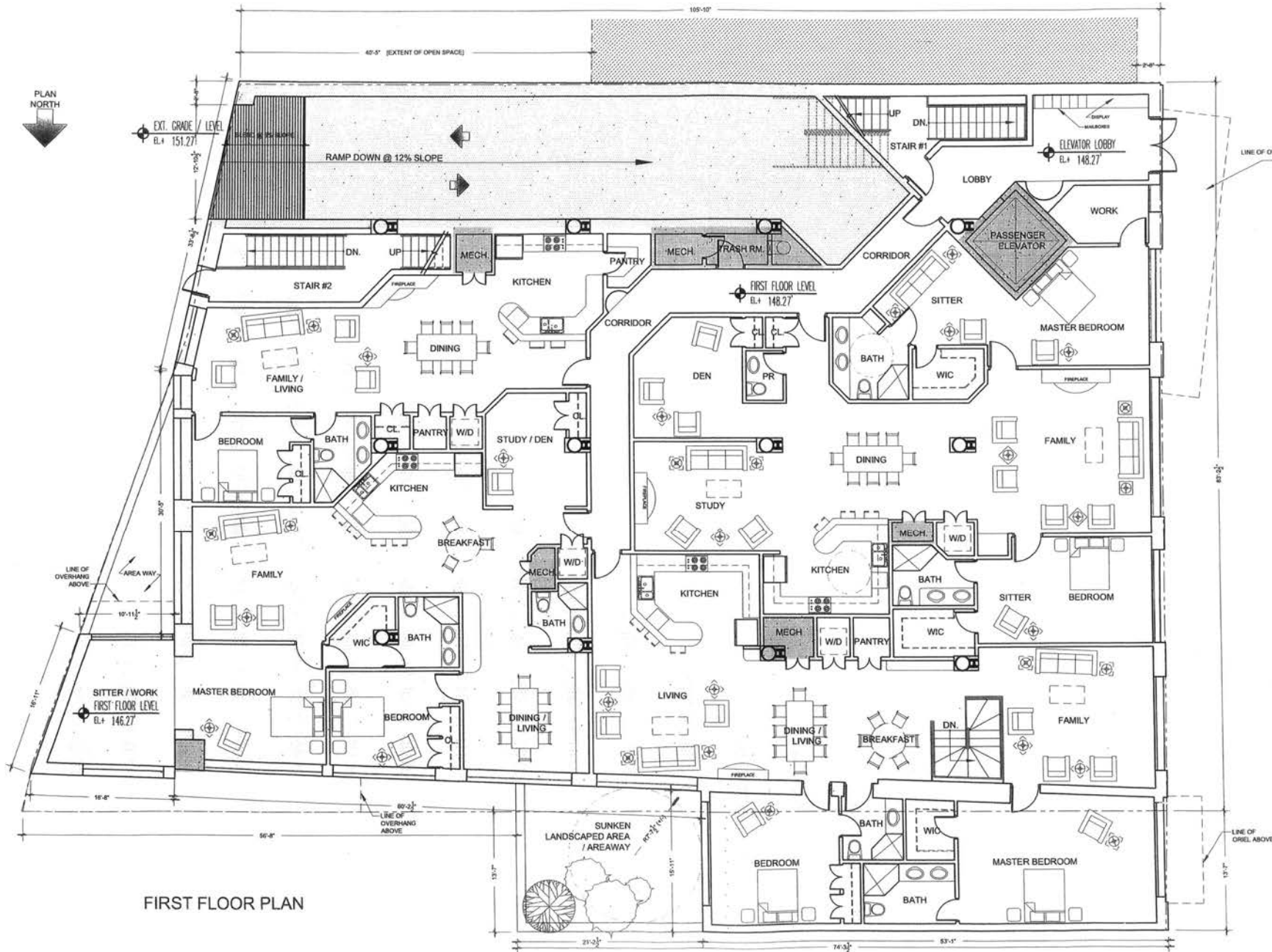
DRAWN BY	
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SCALE	3/32" = 1'

SHEET TITLE
CELLA
FLOOR PLAN
SHEET

A-02

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Received



FIRST FLOOR PLAN



(7) 301-652-6263
(7) 301-652-6463

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REVISIONS
ISSUED
TAKEN BZA APPLICATION

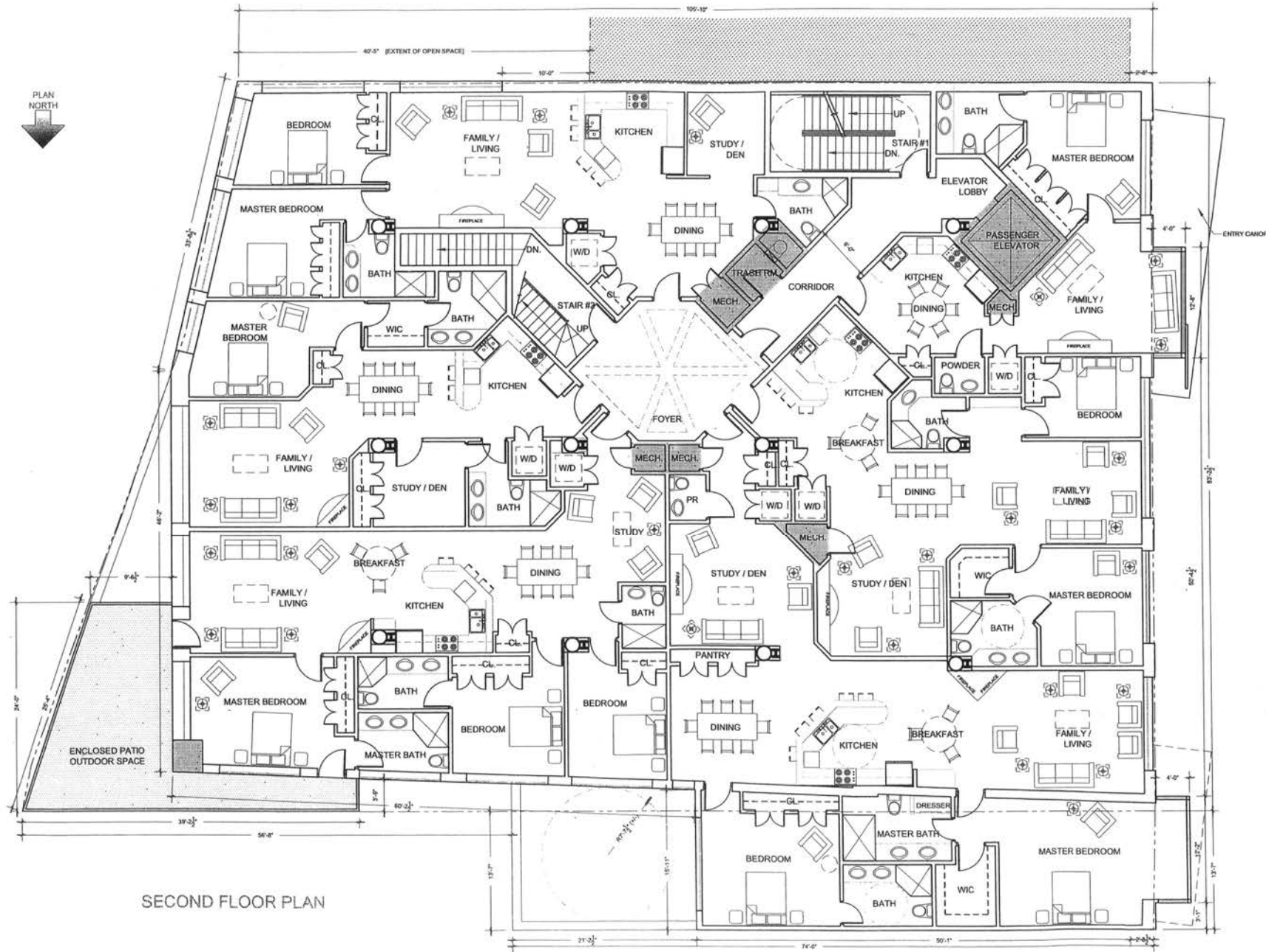
OWNER: KING'S CREEK LLC
1414 DAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335 CHAMPLAIN STREET, NW
WASHINGTON, DC

DESIGNED BY:	BOA
CHECKED BY:	BOA
SCALE:	3/32" = 1'-0"
FILE:	
SHEET TITLE	FIRST FLOOR PLAN
SHEET	

A-03

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(3) 301 - 652 - 6263
(7) 301 - 652 - 6463

BZA APPLICATION SET
REVISIONS

ISSUED
2/14/2018 BZA APPLICATION

OWNER: KING'S CREEK LLC
1411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC 20007

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SCALE: 3/8" = 1'-0"

FILE:

SHEET TITLE
SECOND FLOOR PLAN

SHEET

A-04

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(1) 3071 - 652 = 6263
(7) 3071 - 652 = 6463

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APPLICATION
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ISSUED
24-06-2014 APPLICATION

OWNER:
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

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WASHINGTON, DC

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DATE	3/27/2006

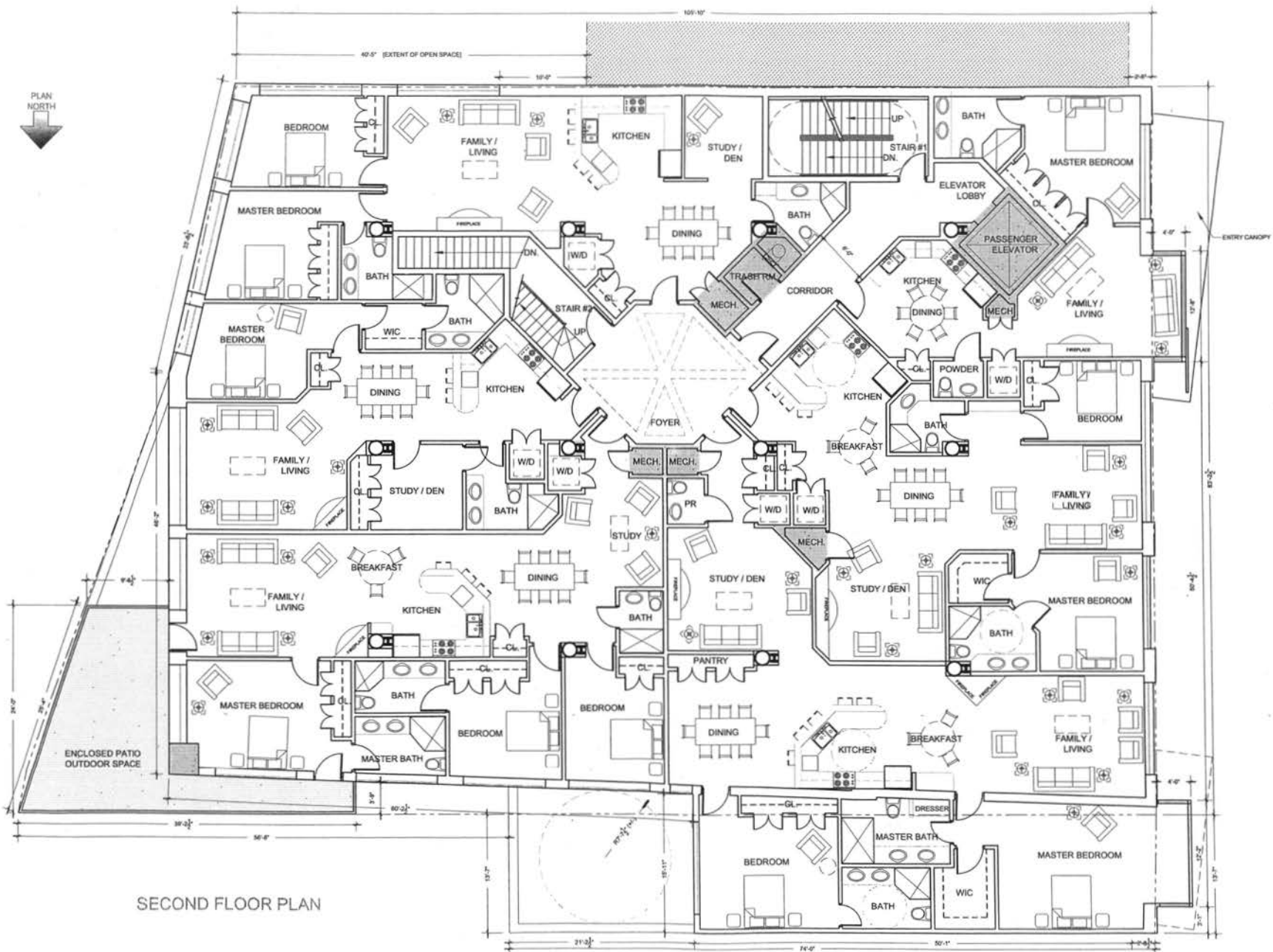
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FILE	
SHEET TITLE	

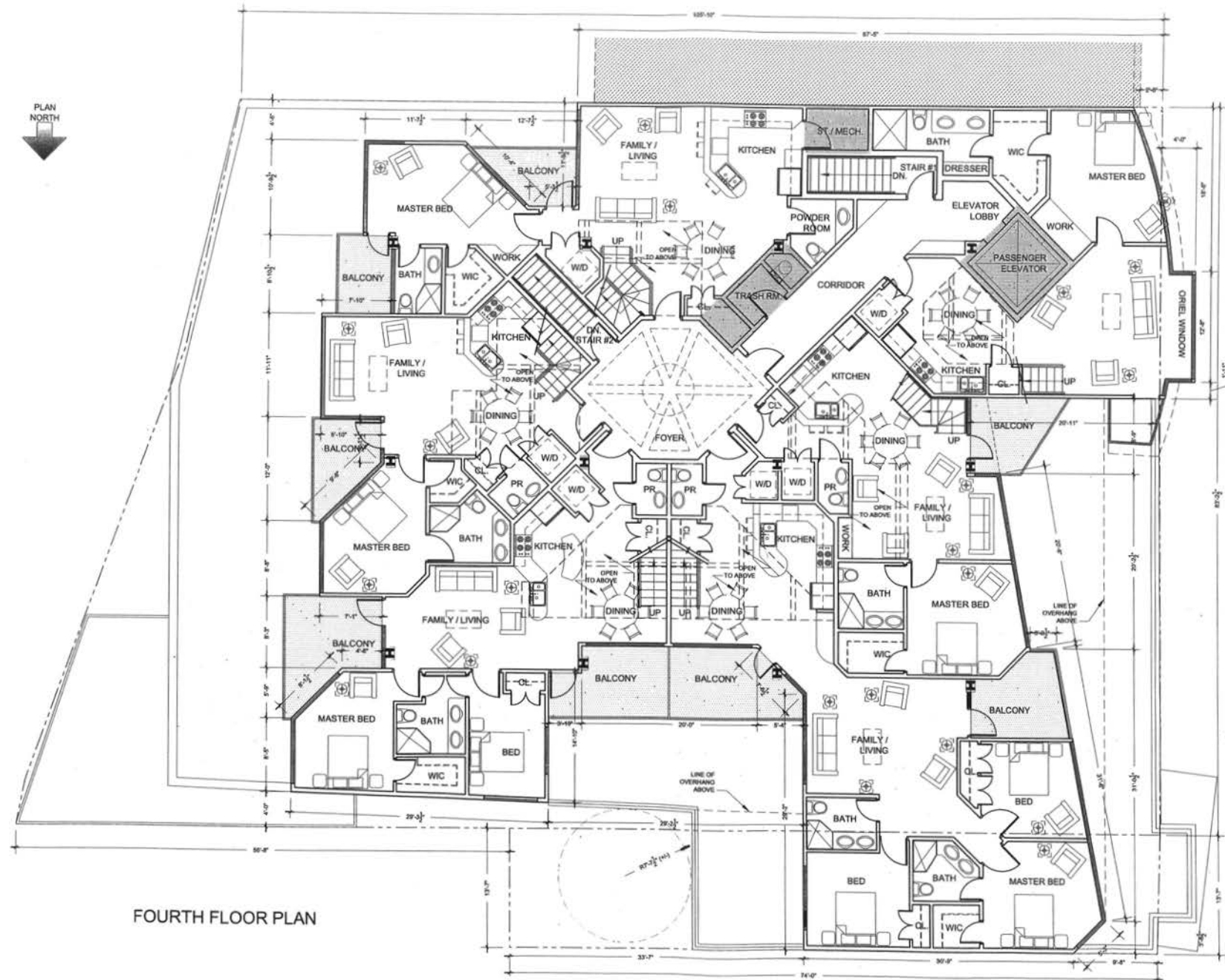
SECOND
FLOOR PLAN

FLOOR PLAN
SHEET

A 04

A-04





FOURTH FLOOR PLAN



(7) 301-652-6263
(7) 301-652-6463

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HARRIS BZA APPLICATION

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8411 OAKWOOD TERRACE, NW
WASHINGTON, DC

OWNER:

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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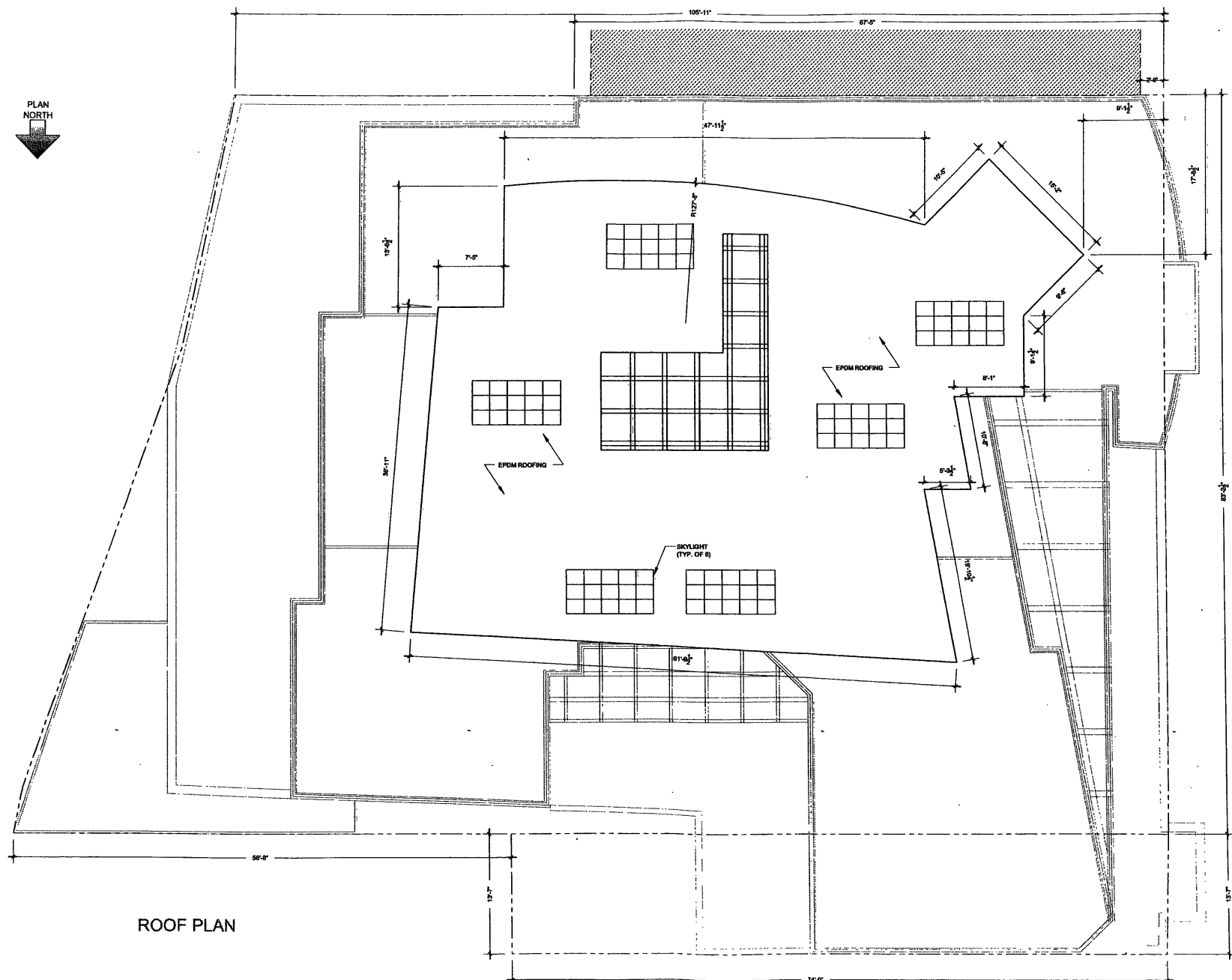
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SCALE: AS NOTED
FILE: [blank]

SHEET TITLE
FOURTH FLOOR PLAN

SHEET

A-06

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7/14/06 BZA APPLICATION

연도	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
연도	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

OWNER:
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
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FILE	

SHEET TITLE

ROOF PLAN

SHEET

100

A-08



(T) 301 - 652 - 6263
(F) 301 - 652 - 6463

07 501 - 502 - 5100

BZA
APPLICATION
SET[illegible]

ISSUED

OWNER:

KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC
20011-1607

~~2007 11 04 2:07~~

D.C. OFFICE OF ZOVING

2329 - 2335
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CHECKED BY	SGA
SCALE	AS NOTED
FILE	

SHEET TITLE
WEST
ELEVATION

SHEET

A-09

OF 0000

SECTION LINE OF ADJACENT
BUILDING (ADAMS ROW)-

T/	STRUCTURE	
±(+)	60°-0"	

T/ PENTHOUSE FIN SLAB
±(+) 50'-0"

T/ FOURTH FIN SLAB
±(+) 37'-10"

T/ THIRD FIN SLAB
±(+) 25'-8" 

T/ EXIST SLAB
±(+) 24'-8" 

T/ SECOND SLAB
(+) 12'-4"

T/ GROUND SLAB
(+) 0'-0"

T/ CELLAR SLAB
(-) 9'-8" 

FIN G.F SLAB
(±) 147.22'

FIN GRADE
(±) 137.57'

WEST ELEVATION



(7) 301 - 652 - 6263
(7) 301 - 652 - 6463

BZA
APPLICATION
SET

REVISIONS

ISSUED

OWNER:

KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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THE AIA CODE OF ETHICS.

DESIGNED BY SAGA

CHECKED BY SAGA

SCALE AS NOTED

FILE

SHEET TITLE

EAST

ELEVATION

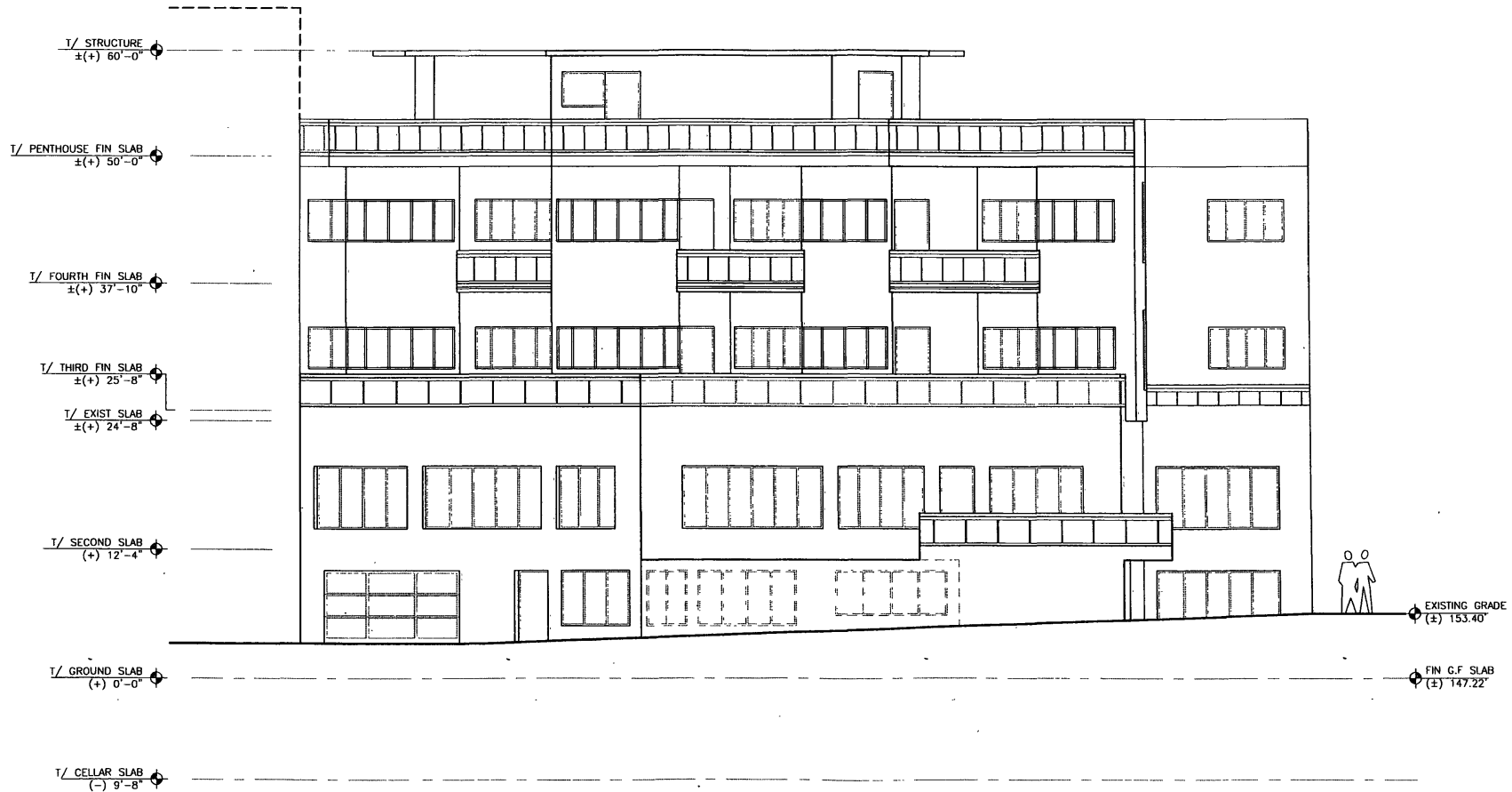
SHEET

A-10

OF 0000

D.C. OFFICE OF ZONING

2024 FEB 14 PM 2:07



EAST ELEVATION



(1) 301 - 652 - 6263
(2) 301 - 652 - 6463

BZA
APPLICATION
SET

REVISIONS

ISSUED

OWNER:

KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

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IS PROHIBITED BY LAW.

DRAWN BY: RGA
CHECKED BY: RGA
SCALE: AS NOTED
FILE:

SHEET TITLE
NORTH
ELEVATION

SHEET

A-11

OF 0000

T/ STRUCTURE
±(+) 60'-0"

T/ PENTHOUSE FIN SLAB
±(+) 50'-0"

T/ FOURTH FIN SLAB
±(+) 37'-10"

T/ THIRD FIN SLAB
±(+) 25'-8"

T/ EXIST SLAB
±(+) 24'-8"

T/ SECOND SLAB
(+) 12'-4"

T/ GROUND SLAB
(+) 0'-0"

T/ CELLAR SLAB
(-) 9'-8"

FIN G.F. SLAB
(±) 147.22'

NORTH ELEVATION



(7) 301 - 632 - 6263
(7) 301 - 632 - 6463

BZA
APPLICATION
SET

REVISIONS

ISSUED

OWNER
KING'S CREEK LLC
3441 OAKWOOD TERRACE, NW
WASHINGTON, DC

**2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC**

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1 2003 SGA ARCHITECTS, INC.

DESIGNED BY SGA

CHECKED BY SGA

SCALE AS NOTED

FILE

SHEET TITLE

BUILDING

SECTION

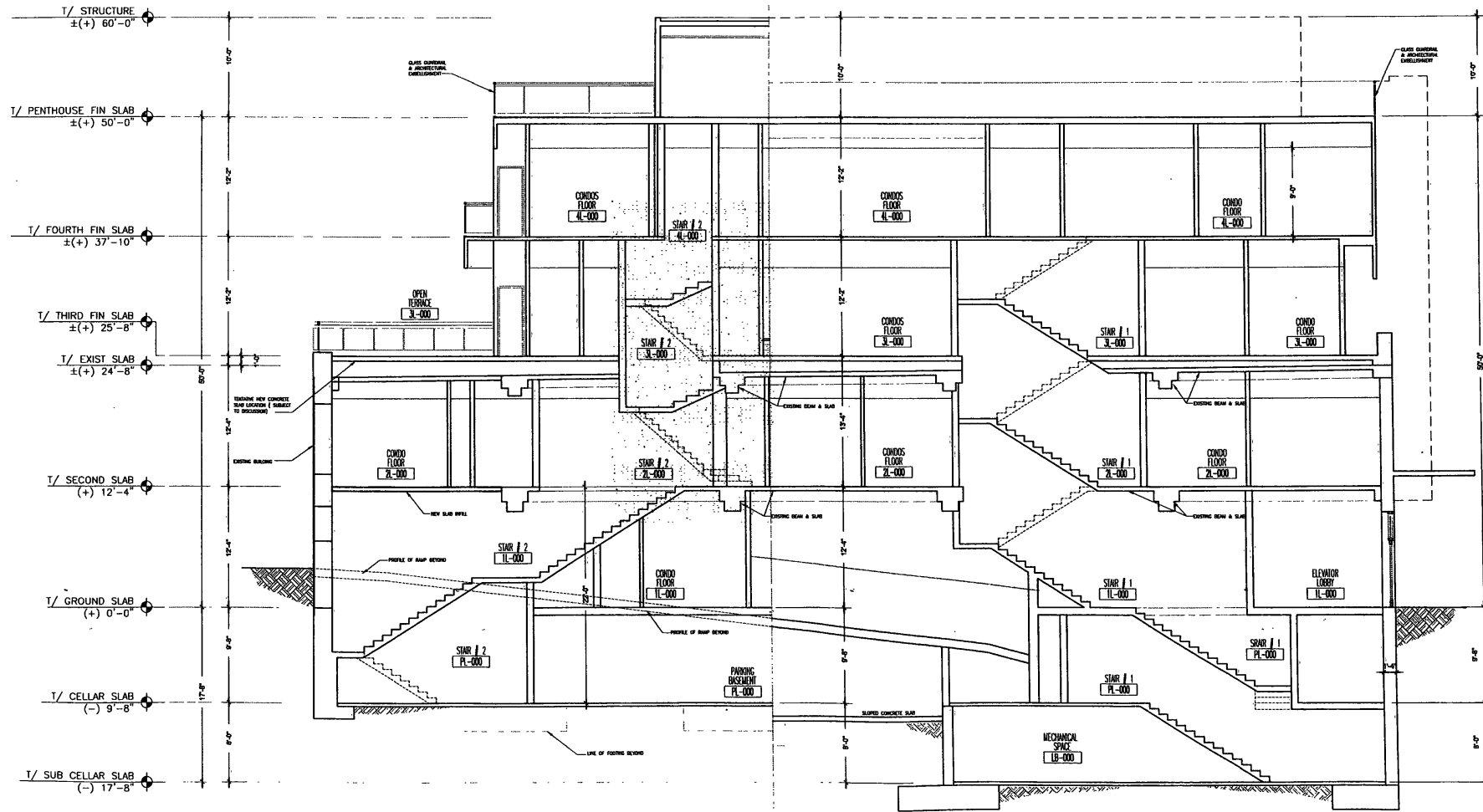
SHEET

A-13

OF 0000

2006 FEB 14 PM 2:08

U.L. OFFICE OF ZONING



LONGITUDINAL SECTION



(7) 301 - 652 - 6263
(7) 301 - 652 - 6463

BZA APPLICATION SET

REVISIONS

ISSUED

DATE

BY

REVISIONS

DATE

BY

REVISIONS

DATE

BY

REVISIONS

DATE

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REVISIONS

DATE

BY

D.C. OFFICE OF ZONING

2013 FEB 14 PM 2:08

OWNER:
KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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CHECKED BY: RGA

SCALE: AS NOTED

FILE

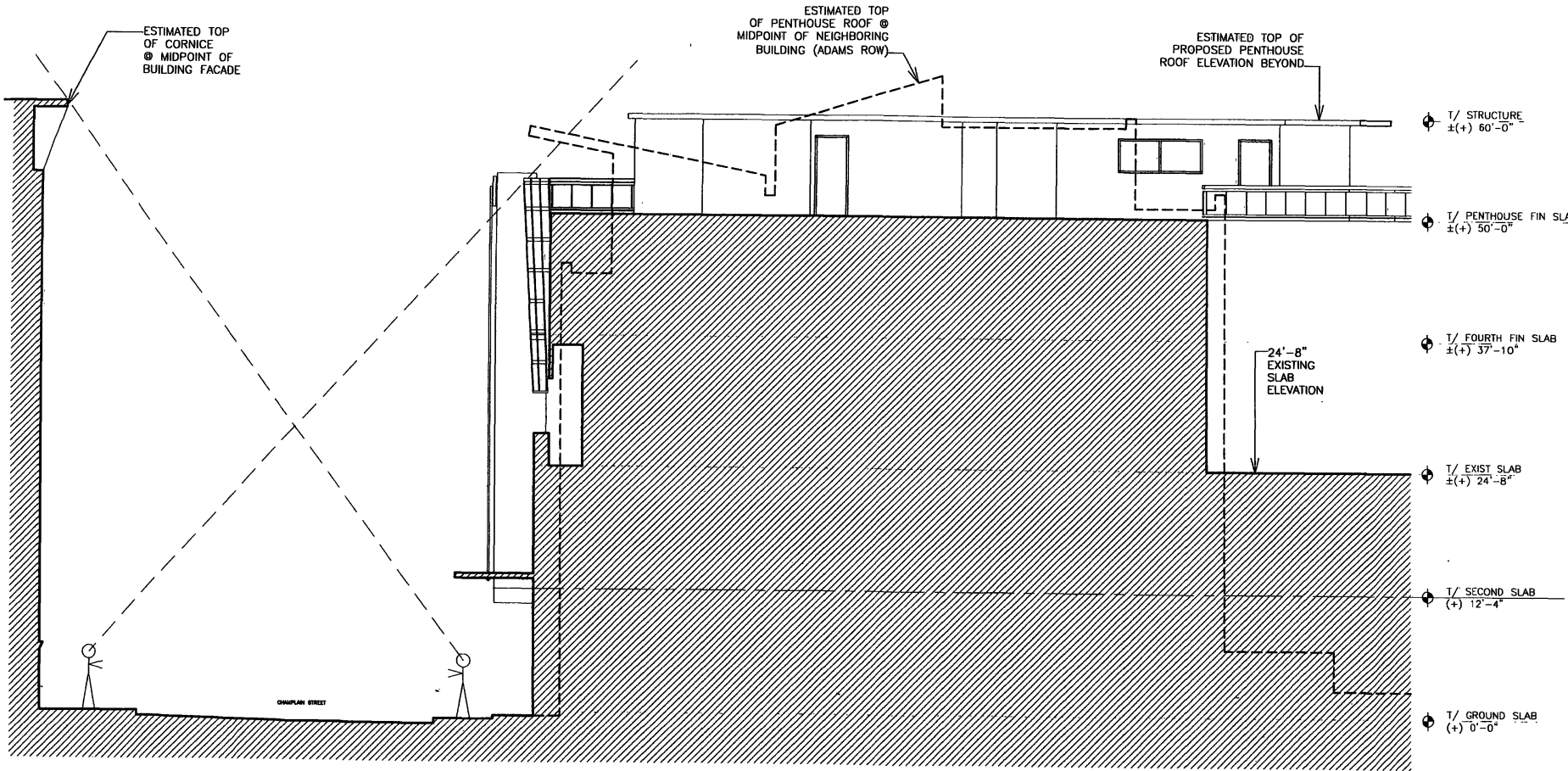
SHEET TITLE
SIGHT-LINE
STUDY

SHEET

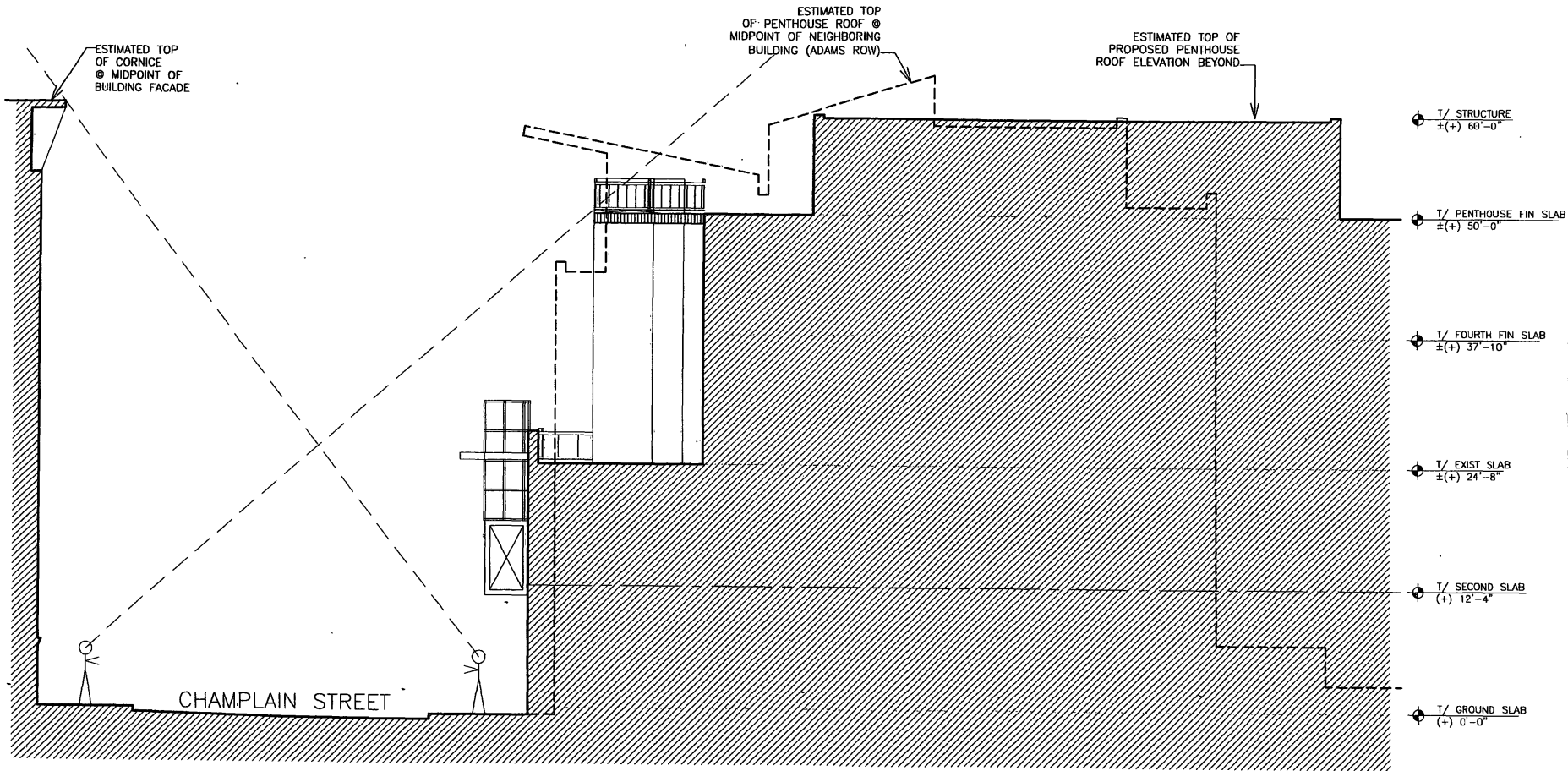
OF 0000

A-14

OF 0000



BUILDING SECTION @ PROPOSED MAIN BUILDING ENTRANCE



BUILDING SECTION @ MIDPOINT OF PROPOSED BUILDING FACADE



(7) 301 - 652 - 6263
(7) 301 - 652 - 6463

BZA APPLICATION SET

REVISIONS

ISSUED

OWNER: KING'S CREEK LLC
3411 OAKWOOD TERRACE, NW
WASHINGTON, DC 20007
ARCHITECT: SUGA ARCHITECTS, INC.

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

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DRAWN BY: SOA
CHECKED BY: SOA
SCALE: AS NOTED
FILE

SHEET TITLE
SIGHT-LINE
STUDY

SHEET

A-15

OF 0000

RECEIVED



RECEIVED
D.C. OFFICE OF ZONING
2004 FEB 14 PM 2:08

RENDERING VIEW SOUTH ON CHAMPLAIN STREET



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D.C. OFFICE OF ZONING
2015 FEB 14 PM 2:08

RENDERING VIEW SOUTH ON CHAMPLAIN STREET



FOURTH FLOOR PLAN

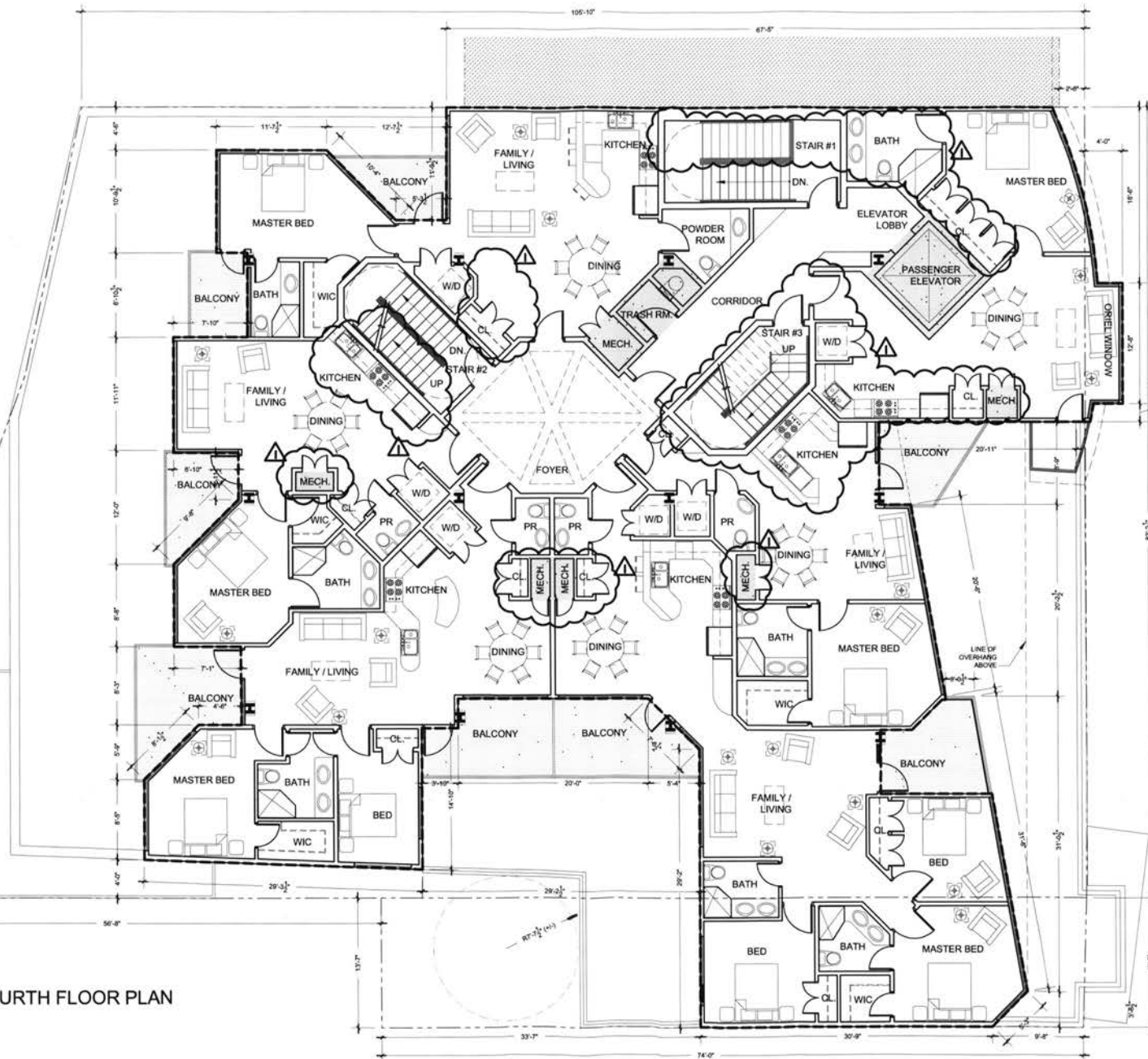


Exhibit B



(7) 301-651-1063
(7) 301-652-6463

MINOR MODIFICATION APPLICATION
BZA ORDER # 17431

ISSUED
STAMP BZA APPLICATION

OWNER:

KING'S CREEK LLC
8756 LEWINSVILLE RD
MCLEAN, VA 22102

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

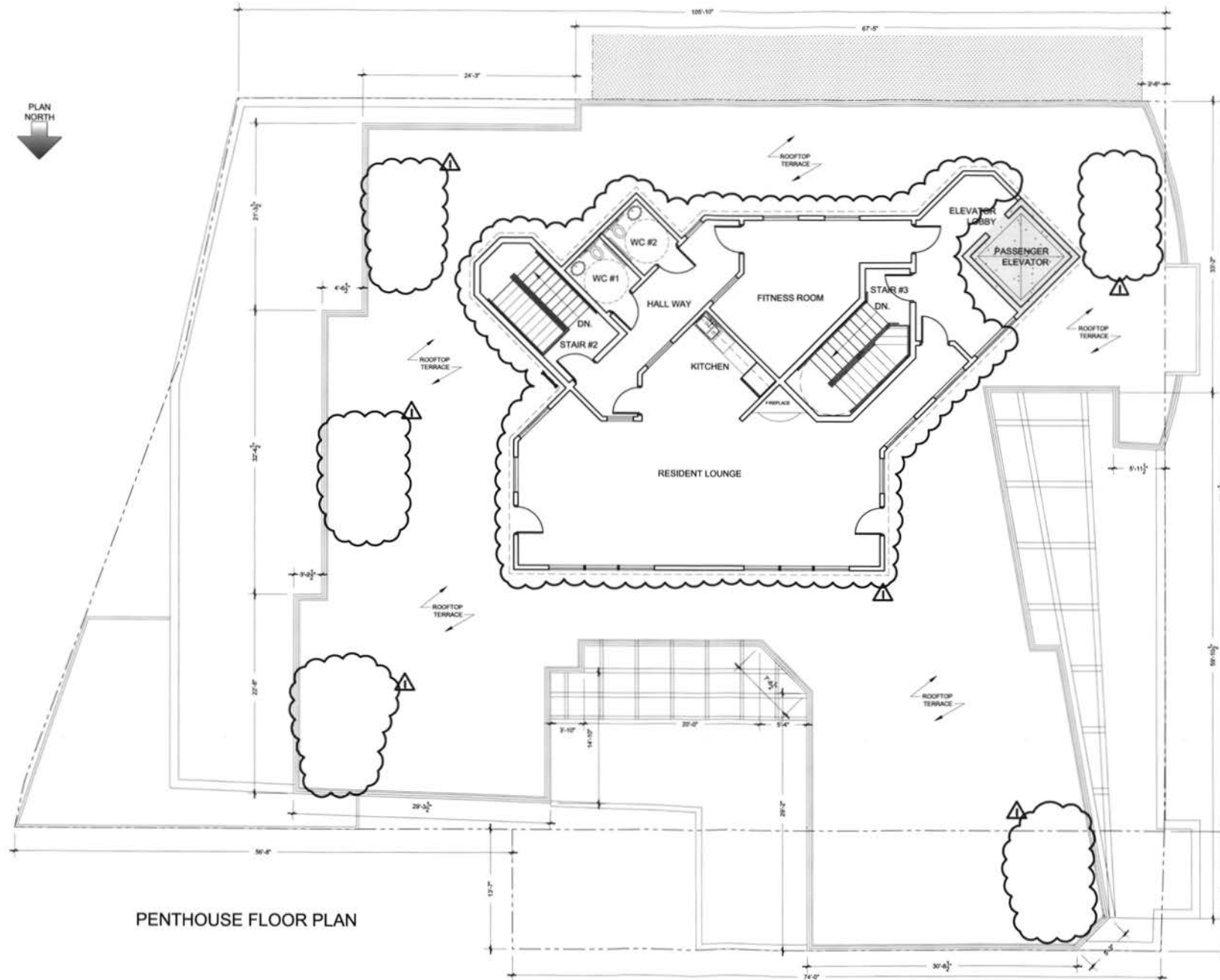
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CHECKED BY: BGA
SCALE: 3/32" = 1'-0"
PLS: 10-08-12

SHEET TITLE
FOURTH
FLOOR PLAN

SHEET

A-06



PENTHOUSE FLOOR PLAN



(703) 301-652 • 6261
(703) 301-652 • 6463

MINOR
MODIFICATION
APPLICATION
BZA ORDER
17431

ISSUED
SUBJECT BZA APPLICATION

OWNER

KING'S CREEK LLC
8756 LEWINSVILLE RD
MCLEAN, VA 22102

2329 - 2335
CHAMPLAIN STREET, NW
WASHINGTON, DC

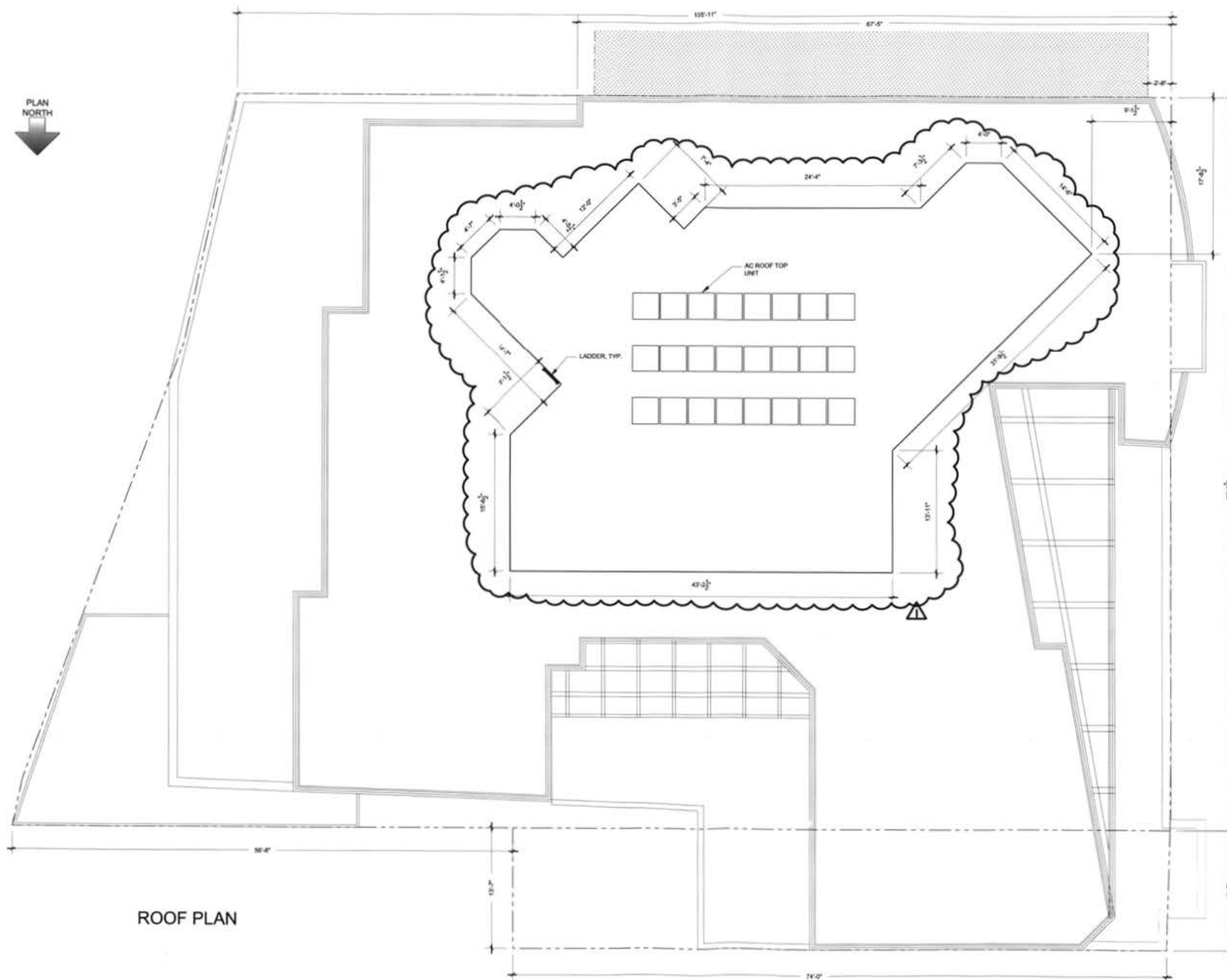
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WITHOUT THE WRITTEN
CONSENT OF S.G.A. COMPANIES, INC.

DRAWN BY: JMK
CHECKED BY: BSA
SCALE: 5/32" = 1'-0"
DATE: 04/28/12

SHEET TITLE
PENTHOUSE
FLOOR PLAN

SHEET

A-07



ROOF PLAN