



April 11, 2018

Samantha Mazo

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**Re: BZA Case No. 19730 (Sons of Italy Foundation, 219 E Street NE)
Applicant's Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant, Sons of Italy Foundation, please find enclosed the Prehearing Statement for the above-referenced case. The application is scheduled to be heard before the Board of Zoning Adjustment on May 2, 2018.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

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BY: SAMANTHA MAZO

Certificate of Service

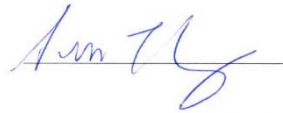
I hereby certify that on this 11th day of April, 2018, a copy of this pre-hearing statement with attachments was served, via email, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
karen.thomas@dc.gov

District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
Anna.chamberlin@dc.gov

Advisory Neighborhood Commission 6C
c/o Karen J. Wirt, Chairperson
6C02@anc.dc.gov

Advisory Neighborhood Commission 6C02
c/o Karen J. Wirt, Chairperson/SMD Commissioner
6C02@anc.dc.gov

A handwritten signature in blue ink, appearing to read "Samantha L. Mazo", written over a horizontal line.

Samantha L. Mazo

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

**APPLICATION OF
SONS OF ITALY FOUNDATION**

**219 E STREET NE
ANC 6C**

PREHEARING STATEMENT OF THE APPLICANT

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT

This prehearing statement is submitted on behalf of the Sons of Italy Foundation (the “Applicant”), the owner of the property located at 219 E Street NE, Square 755, Lot 32, (the “Property”) in support of its application for special exception relief pursuant to 11 DCMR § X-901.2 and Subtitle U § 203.1(n) to allow the Applicant, a 501(c)(3) nonprofit organization that is organized and operated exclusively for a charitable purpose, to continue to use the Property for its offices as the Applicant has done for more than 37 years. The Applicant also seeks an area variance pursuant to 11 DCMR § X-1000.1 from the ten thousand square feet (10,000 s.f.) requirement of § U-203(n)(2) because the structure on the Property, in which the Foundation has operated since 1980, does not comply with this requirement.¹

For the reasons set forth in the initial application, and as supplemented here and at the public hearing, the Applicant has satisfied the burden for variance and special exception relief. Further, the Applicant agrees to the conditions recommended by ANC 6C’s Planning, Zoning, and Economic Committee discussed below.

¹It is well settled in both BZA and D.C. Court of Appeals jurisprudence that relief from the 10,000 s.f. requirement is an area variance from the underlying nonprofit organization special exception. *See BZA Case No. 15555, Application of Ann Cullen; See also BZA Case No. 19131 - Application of Delta Sigma Theta Sorority, Inc; See also French v. Bd. of Zoning Adjust. 658 A.2d 1023 (1995)* where the D.C. Court of Appeals expressly upheld the BZA’s approval of the 10,000 s.f. relief as an area variance. Further, in the OP Report for *BZA Case No. 19131 - Application of Delta Sigma Theta Sorority, Inc.* the District’s Office of Attorney General directly opined that area variance relief from the 10,000 s.f. requirement is permitted.

II. STATEMENT OF COMMUNITY SUPPORT

The Applicant has conducted significant community outreach since filing the initial application. These efforts have been successful. The Record includes 16 letters in support², including letters of support from the adjacent property owners:³

- Andrew Malen – 215 E Street NE (BZA Exhibit No. 38)
- Alex Nunez – 221 E Street NE (BZA Exhibit No. No. 33)
- Stephen Gibbons – 221 ½ E Street NE (BZA Exhibit No. No. 42)
- L.B. Farrell – 221 E Street NE (BZA Exhibit No. No. 47)

Further, on April 4, 2018, the Applicant presented the case before the Planning, Zoning, and Economic Committee of ANC 6C. At that meeting, the Committee unanimously recommended approval of the case to the full ANC, subject to the following conditions:

1. A maximum of five employees; and
2. No receptions or other events shall be hosted for outside persons.

The Applicant agrees to these proposed conditions.

The Application is on the full ANC's consent agenda for its duly-noticed public meeting on April 11, 2018.

Further, the Applicant presented the case to the Capitol Hill Restoration Society's Zoning Committee on March 8, 2018. The Committee voted to support the application, and the Capitol Hill Restoration Society's letter in support dated April 10, 2018 is in the Record at BZA Exhibit No. 51.

² See Letters in Support map at Exhibit A.

³ There is no 217 E Street NE.

III. EXPERT WITNESSES

Stephen Varga, Planning Services Director at Cozen O'Connor, may testify as an expert in Land Use and Planning at the public hearing. Mr. Varga's resume is available at **Exhibit B**. The Applicant reserves the right to add expert witnesses as necessary.

IV. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings as well as the reasons discussed at the Board's hearing, the Applicant submits that the application meets the requirements for special exception and variance relief to continue the Applicant's non-profit office use in the RF-3 zone. Accordingly, the Applicant respectfully requests that the Board approve the application on May 2, 2018.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Samantha Mazo", written over a horizontal line.

SAMANTHA MAZO

EXHIBIT A

Yellow asterisks identify letters of support in the BZA Record

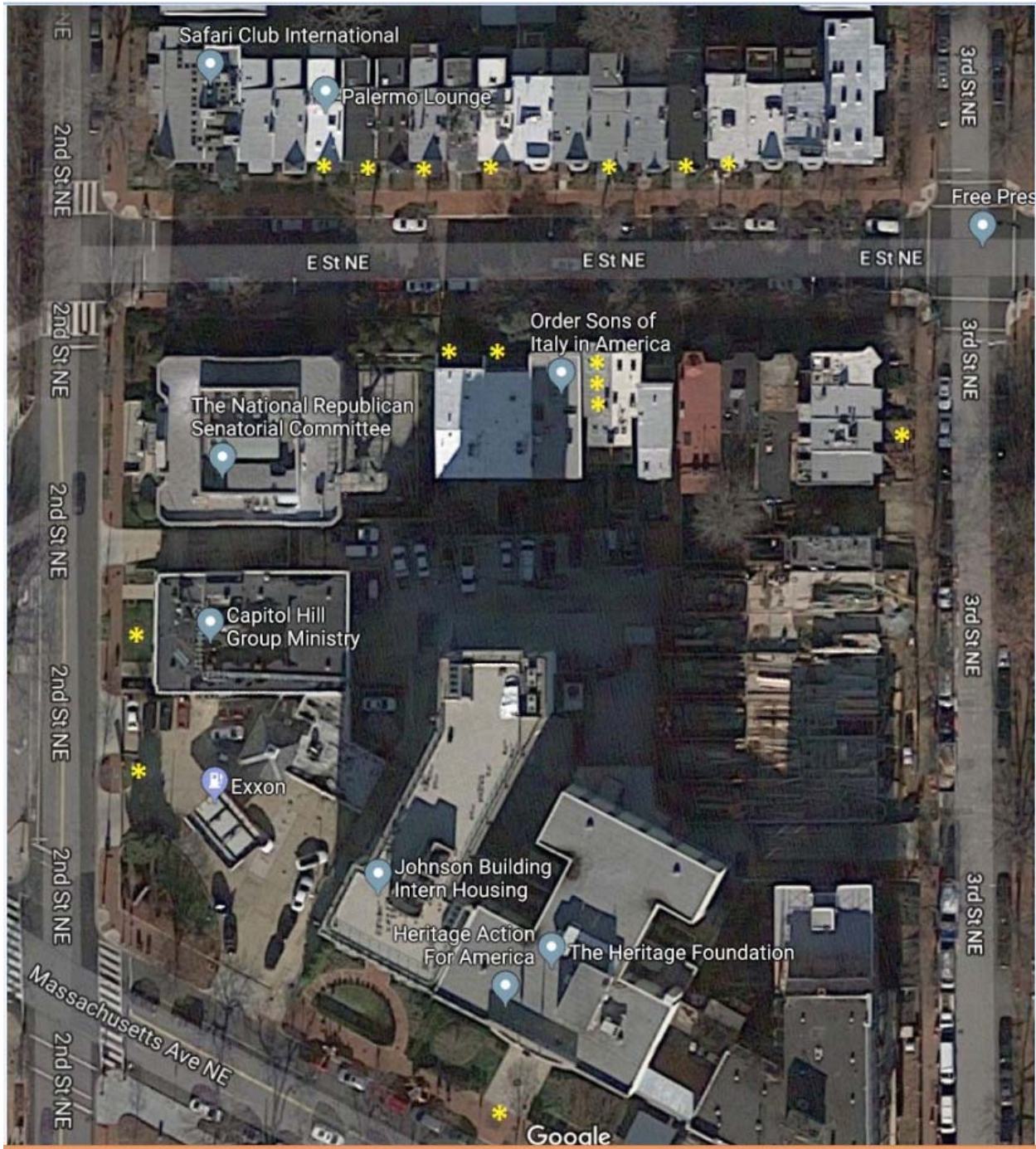


EXHIBIT B

STEPHEN VARGA, AICP, LEED GREEN ASSOCIATE

Mr. Varga has experience in zoning and land use, sustainability best practice, comprehensive planning, as well as geographic information systems. He is currently Planning Services Director in Cozen O'Connor's Washington, DC office. In this role, he provides expert witness land use and planning testimony before the Board of Zoning Adjustment, evaluates development proposals for zoning conformance and entitlement potential, drafts and submits text and map amendments as part of the District's 'Open Call' Comprehensive Plan update, and monitors and researches local government land use policies.

Prior to joining Cozen O'Connor, he served as director of planning services at Griffin, Murphy, Moldenhauer and Wiggins LLP after serving for nearly 10 years as an urban planner within the District of Columbia government.

From 2008-2010, he worked at the District of Columbia Office of Planning, an agency which guides development in the District while implementing preservation, revitalization, and strategic goals. As a development review specialist, he was responsible for reviewing zoning applications and presented agency recommendations at public meetings. Additionally, he served as core team member of Zoning Regulations Review project, a multi-year effort to comprehensively revise and modernize the zoning regulations of the District. He produced zoning recommendation reports and zoning regulation text, particularly for mixed use, transit-oriented development, and sustainability subject areas. This work would eventually become adopted as "ZR16," the new zoning regulations of the District, in effect since September 6, 2016.

From 2011-2016, he served at the District of Columbia Office of Zoning (DCOZ), an agency which provides administrative, professional, and technical assistance to the Zoning Commission and the Board of Zoning Adjustment in support of their oversight and adjudication of zoning matters in the District of Columbia. Upon joining DCOZ, he worked as a zoning specialist, and eventually senior zoning specialist, where he was responsible for communicating complex technical and regulatory information to a wide range of stakeholders, including applicants, BZA, Advisory Neighborhood Commissions, and the public. In addition to carrying out his explanatory duties, he analyzed and managed hundreds of zoning applications per year, ensuring each complied with applicable procedures and requirements. He also improved the BZA application processes for applicants, and clarified rights and responsibilities for stakeholders, resulting in more-timely and efficient hearings. Additionally, he adapted BZA zoning processes in the Interactive Zoning Information System to conform with ZR16.

Mr. Varga holds a Master's Degree in City & Regional Planning from the Ohio State University. He graduated with a Bachelor of Arts Degree from the Ohio State University.

He has been a member of the American Planning Association since 2003. He earned his American Institute of Certified Planners ("AICP") designation in 2007, and his LEED Green Associate designation in 2010.