

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE  
801 NORTH CAPITOL STREET, N.E., THIRD FLOOR  
WASHINGTON, D.C. 20002**

**In Re: Application for Subdivision**

**In the Matter of:**

**BOWIE-SEVIER HOUSE  
AT 1521 32<sup>nd</sup> STREET, NW  
WASHINGTON, DC**

**HPA No. 06-007  
(SO No. 10679)**

**DECISION AND ORDER**

**BACKGROUND**

Pursuant to D.C. Code § 6-1106(c) (2001), a public hearing was held on December 21, 2005, before Rohulamin Quander, Senior Administrative Law Judge and Mayor's Agent for Historic Preservation (the "Mayor's Agent"), on the application of Gtown 32<sup>nd</sup> Street, LLC (the "Applicant"), for subdivision of a portion of the landmark Bowie-Sevier House property that fronts on the east side of the 1500 block of 32<sup>nd</sup> Street, N.W. This administrative review was conducted in accordance with the requirements of District of Columbia Municipal Regulations (the "DCMR"), Title 10, Chapter 25, and in accordance with the D.C. Administrative Procedure Act, D.C. Code § 2-501 *et seq.*

Notice of the public hearing was published in the *DC Register* on November 18, 2005 and conformed to the requirements of DCMR, Title 10, § 2601.1. John T. Epting, Esq., of Pillsbury Winthrop Shaw Pittman represented the Applicant. Anne H. Adams, Architectural Historian, was also present at the hearing on behalf of the Applicant. Ms. Adams has previously been qualified by the Mayor's Agent as an expert in Architectural History and Historic Preservation. The Applicant requested that the Mayor's Agent find the proposed subdivision necessary in the public interest because it is consistent with the purposes of the Historic Landmark and Historic District Protection Act of 1978, DC Law 2-144, as codified in D.C. Code § 6-1101, *et seq.*, (2001) (the "Act"), as defined in the Act. Since the subdivision involves the site of the Bowie-Sevier House, a landmark listed in the District of Columbia Inventory of Historic Sites (the "Inventory"), a hearing before the Mayor's Agent is required under the Act. The site is also within the boundaries of the Georgetown Historic District (the "Historic District"), which is listed in the Inventory and the National Register of Historic Places (the "NRHP").

The Applicant is seeking approval of a subdivision that combines existing record Lots 19 and 20 in Square 1270 into a single record lot. This subdivision will facilitate the construction of a new single-family house that has been recommended for approval by

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the Old Georgetown Board (the “OGB”) and the Commission of Fine Arts (the “CFA”), as well as the Historic Preservation Review Board (the “HPRB”). The two lots proposed to be subdivided (by combination) were originally along the west edge of the property of the Bowie-Sevier House. The Bowie-Sevier House property began to be subdivided in the 1870s and the lots in question were part of a subdivision that created 31 new lots on the Bowie-Sevier House property, including eight along 32<sup>nd</sup> Street, N.W. Over the years the lots along 32<sup>nd</sup> Street, N.W., have been reconfigured a number of times, most recently by approval of the Mayor’s Agent in 1998. Historically, there has been a variety of lot sizes and configurations on the Bowie-Sevier House property, within Square 1270, and within the Georgetown Historic District.

The proposed subdivision will create a new lot that is but another step in the ongoing appropriate evolution of Square 1270. The proposed new record lot falls well within the parameters, with respect to size and configuration, of the lots that have historically characterized the Bowie-Sevier House property and the Historic District. The new record lot will be consistent with the history and character of the Bowie-Sevier House landmark. It will also be consistent with the variety of lots sizes and shapes that have historically defined the greater Historic District. It will allow for the construction of a house that will complete the development of the east side of the 1500 Block of 32<sup>nd</sup> Street, N.W., in a manner that is consistent with and compatible with the character of the Bowie-Sevier House landmark and the Historic District.

Since the Bowie-Sevier House is an individually-designated landmark listed in the Inventory, the application for subdivision was referred to the HPRB for its review and recommendation to the Mayor’s Agent pursuant to D.C. Code § 6-1106(b). At its public meeting on October 27, 2005, the HPRB adopted on its Consent Calendar the Staff Report and Recommendation of the Historic Preservation Office recommending approval of the subdivision as proposed.

Prior to the public hearing before the Mayor’s Agent, the Applicant submitted a written statement outlining its request and the reasons the proposed subdivision is consistent with the purposes of the Act with respect to both landmarks and historic districts. That statement is part of the record in this matter. Based upon review of the entire record taken as a whole, including the documentation testimony presented for the Mayor’s Agent’s consideration, this Application is **GRANTED**.

#### ISSUE

The issue is whether the Applicant has met the burden of proof to establish that the requested subdivision involving the landmark property known as the Bowie-Sevier House is necessary in the public interest because it is consistent with the purposes of the Act.

## FINDINGS OF FACT

Based on the evidence presented and the record as a whole, the Mayor's Agent now makes the following findings of fact:

1. The issue presented before the Mayor's Agent is the Application for Subdivision to combine two lots of real property, Lots 19 and 20 in Square 1270, on the site of the Bowie-Sevier House, an individually-designated landmark located at 3124 Q Street, N.W., and listed in the Inventory. The property is also located within the boundaries of the Georgetown Historic District, which is listed in the NRHP. The specific location of the proposed subdivision is 1521 32<sup>nd</sup> Street, N.W., which is part of the landmark property.
2. The proposed subdivision will combine two existing record lots into one new record lot with the same perimeter boundary and square footage of the two existing record lots.
3. Such a subdivision of the landmark will facilitate the construction of a new single-family house that has been reviewed and approved in concept by the OGB/CFA and the HPRB. The proposed house will be consistent with the character of the landmark Bowie-Sevier House as well as the 1500 block of the east side of 32<sup>nd</sup> Street, N.W., and the greater Georgetown Historic District.
4. The proposed subdivision will have no adverse effect on the Bowie-Sevier House landmark and it will allow for the completion of the development of the western edge of the landmark property, which has been evolving since it was originally subdivided in the late nineteenth century. The proposed new house will complete the redevelopment of that portion of the landmark, being the last of the four proposed houses to be reviewed and recommended for approval.
5. No individual or organizations applied for party status in this matter and no person or organizations filed any opposition to the proposed subdivision. Twelve neighbors supported the proposed new house before the Advisory Neighborhood Commission 2E ("ANC"), the relevant ANC, as being compatible with the Georgetown Historic District and the 1500 block of 32<sup>nd</sup> Street, N.W. The ANC voted at its October 4, 2005 regularly-scheduled public meeting to support the proposed new house before the OGB. In addition, the ANC and impacted neighbors support an application for a minor variance for the subject property at the Board of Zoning Adjustment ("BZA") in BZA Case No. 17387. The affected neighbors entered into an over-arching agreement with the Applicant agreeing that the development of the subject property would include the instant subdivision.

## DISCUSSION

### **Jurisdiction**

This historic preservation case was referred to the Mayor's Agent for an administrative hearing upon the HPRB's review of and recommendation that the application for subdivision be approved due to its consistency with the purposes of the Act. D.C. Code § 6-1106 sets forth the Mayor's authority, which is delegated to the Mayor's Agent, and the procedures with respect to approving applications for subdivision. In the matter at hand, subdivision would retain and enhance the landmark Bowie-Sevier House, while adapting the subject property for current use by allowing for the construction of a compatible new single-family house. The subdivision will also assure that new construction on the site will be compatible with the character of the Historic District. Such a subdivision can be necessary in the public interest by virtue of being consistent with the purposes of the Act.

D.C. Code § 6-1106(b) provides that before the Mayor may admit to record any subdivision of a historic landmark or of a property in a historic district the Mayor shall review the application and refer it to the HPRB for its recommendation. Under D.C. Code § 6-1106(c):

Within 120 days after the Review Board receives the referral the Mayor shall, after a public hearing, make a finding required by subsection (e) of this section; provided that the Mayor may make such finding without a public hearing in the case of a subdivision of a lot in an historic district if the Review Board advises him that such subdivision is consistent with the purposes of this subchapter.

### **Necessary in the Public Interest**

The Applicant is requesting that the proposed subdivision be approved as necessary in the public interest by virtue of being consistent with the purposes of the Act. The standard of review of a subdivision to be admitted to record under D.C. Code § 6-1106(e) requires that no subdivision subject to this subchapter shall be admitted to record unless the Mayor finds that admission to record is "necessary in the public interest".

The term "necessary in the public interest" is defined in D.C. Code § 6-1102(10) as "... consistent with the purposes of this subchapter, as set forth in D.C. Code § 6-1106(b), or necessary to allow for the construction of a project of special merit." The Applicant is making no claim that the subdivision is necessary to construct a project of special merit, but rather claims only that the subdivision is consistent with the purposes of the Act. The Applicant bears the burden of proof to establish that the proposed subdivision of the landmark is necessary in the public interest.

The Act sets forth various purposes with respect to landmarks and historic districts. Not all purposes are relevant to all proposed actions. With respect to historic landmarks, pursuant to D.C. Code § 6-1106(b)(2), the relevant purpose of the Act is:

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- to retain and enhance historic landmarks in the District of Columbia and to encourage their adaptation for current use; and

With respect to buildings in historic districts, and pursuant to D.C. Code § 6-1106(b)(1), the relevant purposes of the Act are:

- to retain and enhance those properties which contribute to the character of the historic district and to encourage their adaptation for current use; and
- to assure that new construction and subdivision of lots in an historic district are compatible with the character of the historic district.

The Mayor's Agent finds that the proposed lot is comparable in size and shape to the dimensions and forms of lots that comprise the Bowie-Sevier House landmark and the Georgetown Historic District. The Mayor's Agent determines that the proposed subdivision (by combination) of Lots 19 and 20 in Square 1270 will retain and enhance the character of the Bowie-Sevier House landmark and will adapt it for current use by allowing for the construction of a compatible new single-family house on the newly created record lot. The Mayor's Agent further determines that with respect to the Georgetown Historic District that the proposed subdivision will retain and enhance the character of the Historic District and encourage its adaptation for current use by allowing for the construction of a compatible new house.

#### CONCLUSIONS OF LAW

Based on the entire record in this matter, including the provision of the Act, the Statement of the Applicant submitted prior to the public hearing, and testimony and evidence submitted by the Applicant, the Mayor's Agent concludes as a matter of law that the Applicant has sustained its burden of proof that the approval of the subdivision is necessary in the public interest because it is consistent with the purposes of the Act.

#### ORDER

The foregoing having been considered, it is this **2<sup>nd</sup> day of February, 2006** **ORDERED** that the Application for Subdivision of Lots 19 and 20 in Square 1270, at 1521 32<sup>nd</sup> Street, N.W., Washington, D.C., HPA No. 06-007 (SO No. 10679), be and the same is hereby **GRANTED**, because the subdivision is necessary in the public interest because it is consistent with the purposes of the Act.

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**Rohulamin Quander**  
**Senior Administrative Law Judge, DC, and**  
**Mayor's Agent for Historic Preservation**

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Decision & Order was served this 2<sup>nd</sup> day of February, 2006, by mailing a copy of the same via e mail or U.S. Mail, postage prepaid, or both, to the following:

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Certifying Officer