BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Greg and Ina Igbozuruike

APPLICANT'S PRE-HEARING STATEMENT BZA No. 18519

March 26, 2012

This Hearing Statement ("Statement") outlines the existing and proposed use of the property of application and the manner in which the application ("Application") complies with the specific tests and burden of proof for the variance sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3103.2 for variance to allow the subdivision of a single lot of record into three record lots not meeting the minimum width of lot prescribed under § 401.3 for row dwellings, and flats in the underlying R-4 Zone District within which the subject property is located.

SUMMARY OF APPLICATION

The applicant seeks the above area variance pursuant to 11 DCMR § 3103.2 under § 401.3, to allow the construction of three structures, each containing two family dwelling units, or flats, as that term is defined in § 199.1.

The subject property is located within the R-4 zone district within which the proposed use as a flat is permitted as a matter of right. The applicant seeks relief only from the minimum width of lot prescribed for the proposed use under § 401.3 in the underlying R-4 Zone District.

The proposed project complies with all other applicable provision of the Zoning Regulations, including maximum lot occupancy, minimum lot area, height, number of stories, and required parking.

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested variances under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (3) (2001), as further set forth in 11 DCMR § 3103.2

PROPERTY LOCATION AND PROJECT DESCRIPTION

The property is located in the Park View neighborhood in Ward 1, west of the Soldiers Home, the Federal facility for veterans. The subject property is currently unimproved, near rectangular in shape, fifty feet (50 ft.) in width and approximately one hundred and forty two feet (142 ft.) in depth with street frontage only on Newton Place in its former configuration; therefore an interior lot by definition.

The subject properties are legally described as being located within Square 3035, Lots 82 and 83 (formerly Lot 0812) and consists of approximately seven thousand and eighty eight square feet (7,088 ft^2) in lot area combined in its former configuration.

Prior to the instant application and in an effort to attempt a matter of right development of subject property, the applicant undertook the subdivision of lot 812 into two lots (lots 82 & 83), but further submissions will attest that, the impracticality of such development in the context of the marketability and the fact of their incompatibility to the character of the neighborhood, precipitates the instant application before the Board.

The applicant seeks to subdivide the existing two lost into three lots of record, evenly divided at street frontage for an approximate lot width of 16.66 feet each, merely 1.34

feet short of the prescribed minimum width of 18 feet for its underlying R-4 Zone District. Each subdivided lot at over 2,300 ft^2 of lot area will meet and exceed the minimum 1800 ft^2 lot area prescribed for the proposed use.

The applicant seeks to construct three row structures, each to contain two family dwelling units, or flats. Each structure will occupy far less than the sixty percent maximum lot occupancy allowed, and will comply with all other applicable restrictions or provisions of the Zoning Regulations, as project plans depict.

BACKGROUND

The applicant purchased the subject property for the prevailing fair market of $299,000.00 in March 2007, just prior to the unpredicted burst at the height of the greatest real estate boom the District and other markets across the country has ever experienced.

The applicant will testify that the fact of the economic recession precipitated by the burst of the boom and that this neighborhood lagged behind the redevelopment boom experienced in the more attractive Columbia Heights neighborhood to its west, conspired to frustrate access to the necessary construction loan due to attendant constrictions in the capital market.

The applicant will testify that the carrying cost incurred over the period of holding the property is $125, 826.44. Further, the applicant or the subject property is the victim of prohibitive tax rates due to onerous classification as vacant property resulting in irreversible tax burden in excess of $67,000.00. Appeals of the tax classification to lessen the burden proved unsuccessful. The applicant will testify that to date, the applicant has invested an approximate $517,000.00 in combined acquisition cost, carrying cost, property taxes, legal fees and cost of property maintenance.

Applicant notes that the foregoing burden has been the result of a confluence of the factors enumerated above which were outside of the control of the applicant, rather than speculative strategy. The prohibitive acquisition cost resulting from these confluence of factors make the matter of right development of the subject property economically infeasible, as the written submission and testimony of an experienced real broker further will attest.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant, by preponderance of the materials submitted with this Application, facts to be presented in the course of the public hearing and further evidence to be submitted fourteen days prior to the hearing date, will prove compliance with the three prong test necessary for the granting of the area variance sought, as outlined below.

The Board is authorized to grant an area variance where a property demonstrates three characteristic elements:

1. The subject property must demonstrate a unique physical characteristic of shape or size, exceptional narrowness or shallowness which existed as of the time of the original adoption of the Zoning Regulations, or that there exists exceptional topographical conditions or other extraordinary or exceptional situation or condition of property;

2. That the physical characteristic(s), or extraordinary or exceptional situation or condition of the property makes the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties to the owner of the property;

3. That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

UNIQUE PHYSICAL CHARACTERISTIC OF SHAPE OR SIZE

The Subject Property at approximately 7,088 ft^2 in its former configuration is the largest undeveloped property in its square of location and this unique characteristic of size, which was in existence since the original adoption of the Zoning Regulations until its most recent subdivision, results in an extraordinary condition of property.

The subject property is located within the R-4 residence zone district which as set forth in § 330.1 of its General Provisions section, is designed to encompass areas developed primarily with row dwellings and where substantial conversions of existing structures into two or more family dwellings are contemplated to occur and continue to occur.

Section 401.3 prescribes a minimum lot width and area of 18 feet and 1,800 square feet respectively. The subject property is nearly four (4) times the minimum prescribed lot area for a typical row dwelling in the R-4 zone district. The subject property is over two thousand square feet larger than the minimum lot are prescribed in the second most restrictive of the Residence Districts, the R-1-B Zone District and at 50 feet wide is equal to the prescribed minimum width of lot for that same underlying zone district..

The share size of the subject property, a condition in existence at the time of the original adoption of the Zoning Regulations, imposes the unique condition of entrapped location in the wrong zone district.

PECULIAR AND PRACTICAL DIFFCULTIES TO OWNER OF PROPERTY

A matter of right development of the subject property is impractical, unfeasible in its market area, and will be incompatible in the neighborhood, which is predominantly improved with row dwellings on approximately sixteen feet (16 ft.) wide lots

The subject property could conceivable be improved with a single family detached dwelling in its former configuration. Clearly not only would such development be inconsistent with the prevailing character of row dwellings on narrow lots of the neighborhood, an expert real estate broker will testify that such development is economically unfeasible in the market

The subject property could be subdivided into two equal lots, each 25 feet where it abuts the street, resulting in an approximate lot size of over 3,500 square feet in area each, as attempted. Whereas the lot area in such a scenario complies with the minimum lot area for the construction of a single family semi-detached dwelling, the proposal would still require relief from the BZA for non-compliance with the minimum thirty feet (30 ft.) width of lot prescribed for that type of structure/use in the underlying R-4 zone district. More poignant is the fact that evidence shall be provided to the effect that the market area will not support this type of development.

Given the foregoing, the subject property is constrained to constructing either two row structures, each twenty five feet (25 ft.) wide, or two, two-family dwellings or flats within semi-detached structures seventeen feet (17 ft.) wide, each with an 8 feet side yard on alternate sides.

As part of the final submission and in the course of the hearing, the applicant shall provide graphic illustrations of the these two development outcomes, and evidence of their impracticality, incompatibility with the character of the neighborhood, which directly impacts their unsuitability for the market area, and which invariably result in peculiar and practical difficulties on the owner of the property.

A twenty-five feet (25 feet) wide row structure or flat potentially results in gross building area of approximately 8,400 square feet ($3500 \times .60 = 2100 \times 4$ floors $= 8,400$ sf.), assuming the project maximizes on the allowable percentage of lot occupancy of sixty percent (60%) and limitation on number of stories (cellar, plus three floors). The potential depth of such building at eighty-five feet (85 ft.), ($2100 \div 25$ ft $= 85$ ft.), will far exceed the average depth of the existing structures in the street. That depth increases to approximately 123.5 feet in the case of a semi-detached flat ($2100 \div 17 = 123.5$ ft.)

Clearly, not only do these options result in anomalous outcomes incompatible with the character of the neighborhood, such buildings are unmarketable and economic unfeasible.

SUBSTANTIAL DETRIMENT TO PUBLIC GOOD AND SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONE PLAN

The applicant seeks to construct three row structures, each on a lot that is approximately 16.66 feet wide where each abuts the street. This width of lot is consistent with the prevailing condition of existing lot width in the subject property's square of location, and more specifically on lots adjacent to it and on its street of location.

The proposed project complies with all other requirements and provisions of the Zoning Regulations and would cause to be improved, an otherwise unimproved/vacant lot which is likely to remain unimproved due to market variables related to its size, absent the relief sought before the BZA.

The proposed project is intended to result in a development which will not be incompatible with the scale and character of the neighborhood.

Under the Inclusionary Zoning (IZ) provisions, set forth in § 2604.3, the BZA is authorized to approved lot width of 16 feet, less than requested in the instant application so there should be no detriment to public good and substantial impairment of the intent, purpose and integrity of the zone plan impacted by the grant of the relief sought, if approved. The zone plan already contemplates narrower lot width under stated circumstance.

WITNESS

1. Gregory & Ina Igbozuruike
2. Gerard DiRuggiero

CONCLUSION

The Applicant submits that the instant application complies with all conditions for the granting of the requested area variance as outlined above and as shall be further documented, and respectfully requests that the relief be granted.

UrbanLand
COMPANY
Real Estate Brokerage

March 12, 2013

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 220 S
Washington DC 20001

Re: Newton Place, NW, Square 3035, Lots 82 and 83

To Whom It May Concern:

I have been asked to give my opinion as to the marketability of the subject property, currently undeveloped, if it were developed into two row structures, each 25 feet wide or two, two-family dwellings or flats within semi-detached structures 17 feet wide each with an eight foot side yard on alternate sides.

I am the real estate broker for UrbanLand Company, LLC, a real estate brokerage licensed in DC, Maryland and Virginia, with a principal place of business at 913 Florida Avenue, NW, and I have been in the real estate business for the past 30 years. I started UrbanLand Company 10 years ago, after having worked for six years as a real estate salesperson with Coldwell Banker and Pardoe Real Estate, and for 14 years as an owner and operator of apartment buildings. My relevant experience is in selling property in DC's developing markets including U Street, H Street, Eckington, Brightwood, Petworth, Ledroit Park, Shaw, Columbia Heights and Deanwood. Having brokered the sale of over 1,100 residential units and numerous land parcels, I have extensive knowledge and experience in the sale of residential property in DC.

The subject property is located in the Parkview neighborhood, on Newton Place, NW, three blocks east of Georgia Avenue. Although the nearby 600 block is still a neighborhood in transition and still experiencing a significant incidence of crime, the subject block is a short, two-way street comprised of early 1900s, traditional row houses on both sides. Some of the homes have been recently renovated, while others appear to be more dated.

Based on data from the multiple listing service, in the past six months, on the subject block and in an area encompassing the neighboring two streets on each side, renovated single family properties have been selling for between $378 and $533 per square foot (PSF). The prices have varied widely, from $485,000 to $770,000, likely due to proximity to the Metro, quality of the renovation, inclusion of an lower-level unit, garage parking and curb appeal.

There have been no condominium sales in the past six months in the same area. Sale of condominiums during the past year or so, on Newton Place, included 2 1BR condominiums at 648 Newton for $165,500 and $169,900, 2 2BR condominiums at 609 Newton for $220,000 and $230,000, and 2 2BR condominiums at 648 Newton for $259,000 and $330,000. The sale price per square foot (PSF) of these units was approximately $250-320 PSF.

There are no properties or condominiums currently offered for sale on this street. In the immediate area, there are several single family properties for sale, with asking prices ranging from $288 to $462 PSF, and no condominiums for sale.

From a marketability standpoint, development of the property on Newton Place into two lots that are each 25 feet wide would be impractical and ill advised, in my opinion. Recent sales indicate that single family properties in this area are typically about 1,420 square feet and, if newly renovated with other appealing features, are selling for about $430 PSF, or $610,600. Twenty-five foot wide units constructed on the subject two lots would likely be 3,000-3,600 square feet each. At current PSF market prices, they should be priced at $1,290,000-$1,548,000, which is clearly unachievable for this location.

If the applicant instead built two, 17-foot wide buildings, either condominium or single family on each lot, with an eight-foot side yard on each, he would also face significant challenges. The new buildings would be the only ones on the block with side yards, which would be incompatible with the neighborhood in general and this block in particular, where all the other homes are attached row homes.

If condominium units were built, and were approximately 1,500 square feet each, which is about the size of the neighboring properties, and priced at similar PSF prices as area condominiums ($330 PSF), they should bring

$495,000 per unit. Condominiums at this unit price, however, would be well above any condominium sale in the subject area. In addition, with only four units to sell, and given acquisition, construction and carrying costs, the project may not be economically feasible. To make the project work economically, the applicant could conceivably just increase the size of the units to 2,700 square feet and increase his asking prices. However, under this scenario too he is unlikely to see a significant economic benefit compared to the approximately 1,500–1,700 square foot units, because selling such large units at current PSF rates would put them at $891,000, which is over $500,000 higher than the highest recent condominium sale in the subject area. And the larger units would be over twice the size of condominiums on the street or any close by neighborhood.

However, achieving condominium PSF pricing of approximately $350 PSF (which factors in market appreciation) with six approximately 1,500-1,700 square foot units to sell instead of four units, as the applicant is requesting, begins to bring the project into a range that could be feasible for the development of the property, with expectations of a reasonable return on investment. In addition, the proposed property width of nearly 17 feet, compared to the typical 16-foot wide size of nearby properties, would be compatible with this neighborhood and imperceptible from the street.

Thank you for the opportunity to present my opinion.

Sincerely,

Gerard V. DiRuggiero
Broker and Managing Member

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UrbanLand
COMPANY
Real Estate Brokerage

Gerard DiRuggiero
Broker & Managing Member
UrbanLand Company, LLC

Proven Experience
Broker with over 30 years of real estate experience:

- Created progressive, fresh real estate brokerage company providing high-quality services for condominium developers in DC's established and emerging neighborhoods
- Licensed in DC, Maryland and Virginia
- Sold over 1,100 units
- Brokered numerous land sales, including assemblage of parcels from unrelated owners for 2020 Lofts (5 separate owners; now 146 units) and The Floridian (4 separate owners; now 118 units), and various other deals (see below)
- Extensive knowledge of construction, renovation, development and management
- Developed web-based marketing tools for modern purchasers, including well-trafficked website and extensive database of prospects (21,000+) and realtors (17,000+) for email campaigns and follow up
- Developed an active Facebook page with over 1,100 fans
- Owned/operated over 200 rental units
- Substantive experience in difficult real estate markets including lender negotiations, loan workouts
- 13 sales agents

* * *

Current / Recent DC New Construction / Conversion Brokerage Projects Include:

- *The Floridian*—919 & 929 Florida Ave, NW—118 units (98% sold)
- *Parker Flats at Gage School*—2035 2nd St, NW—92 units (sold out)
- *Nova Vitalis (tenant conversion)*—1106 & 1108 Columbia Rd, NW—40 units (sold out)
- *New Plaza (tenant conversion)*—1115 12th St, NW—37 units (sold out)
- *Lofts @ Brightwood*—5832 Georgia Ave, NW—32 units (sold out)
- *The Four Twenty (tenant conversion)*—420 16th St, SE—31 units (45% sold)
- *Jefferson Condominium*—5401-5407 9th ST—21 units (just listed)
- *Josephine*—440 RI Ave, NW—20 units (sold out)
- *Deanwood Station*—4810 Quarles St, NE—18 units (16 units sold)
- *Capitol Overlook I & II*—211-227 R St, NE—18 units (sold out)
- *The Renee*—1629 L St, NE—18 units (33% sold)
- *Mount Pleasant Heights* —3510 16th St, NW—16 units (sold out)
- *Renaissance at Logan*—1618 11th St, NW—16 units (sold out)
- *315G*—315 G St, NE—16 units (sold out)
- *The Euclid (tenant conversion)*—907 Euclid St, NW—14 units (sold out)
- *Todd Place*—302-310 Todd Place, NE—12 units (58% sold)
- *LeDroit Place*—1907 3rd St, NW—12 units (sold out)
- *Stella*—1917 & 1921 2nd St, NE—12 units (sold out)
- *Capitol House*—1628 C St, SE—12 units (sold out)
- *The Monique*—445 R St, NW—12 units (sold out)
- *Georgian Heights*—950 Longfellow St, NW—12 units (6 units sold)
- *Rhode Island Pointe*—6 RI Ave, NW—9 units (sold out)
- *The Chelsa* - 1461 Girard St, NW—9 units (sold out)
- *Durant Manor*—1929 16th St, NW—8 units (88% sold)
- *Wilson House*—1215 10th St, NW—8 units (sold out)
- *River Walk*—500 25th Pl, NE—8 units (62% sold)
- *The Jefferson*—610 Jefferson St, NW—7 units (sold out)
- *The Avenue*—2576 Sherman Ave, NW—6 units (66% sold)
- *Circa 38*—1907 3rd St, NW—4 units (75% sold)
- *Eckington Hill*—2 S St, NE—4 units (sold out)
- *Lexington*—12 S St, NE—4 units (sold out)
- *Howard Square*—1806 6th St, NW—4 units (75% sold)
- *Colossal* - 1730 1st St, NW—2 units (sold out)

- *Alpha*—1539 9th St, NW—2 units (sold out)
- *Nth*—907 N St, NW—2 units (sold out)
- *22 T Street*—22 T St, NE—2 units (for sale)
- *Yorkshire*—1911 8th St, NW—2 units (for sale)

Land / Commercial

- 2020 12th Street, NW—18,000SF, CR zoning (sold) currently 2020 Lofts
- 919-929 Florida Ave, NW 17,000SF, CR zoning (sold) currently The Floridian
- 1912 8th Street, NW—1800SF, C2A zoning (sold)
- 223 18th Street, SE—4-unit shell (sold)
- 12 S Street, NE—4-unit shell (sold)
- 3rd & Randolph Place, NE—6 lots, R4 zoning (sold)
- 1515 Rhode Island Ave, NE—8-unit shell (sold)
- 435 R St, NW—3 lots; 6,000 sf C2A land (sold)
- 306-308 K St, NE 2 lots, R4 zoning (sold)
- 215 Randolph, NE 4 lots, R4 zoning (sold)
- 2nd & Randolph, NE 2 lots, R4 zoning (sold)
- 1873 3rd Street, NW, R4 zoning (sold)
- 4226 7th Street, NW-15—unit shell (sold)
- 216 Morgan Street, NW, R4 zoning (just listed)
- 1418 Florida Ave, NW—3 unit (sold)
- 3911 1st ST, NE – 12 unit apartment building (under letter of intent)

Other Projects of Note

- *Kennedy Flats*—604 & 610 Longfellow St, NW—40 units (sold out)
- *Eckington Station*—330 Rhode Island Ave, NE—28 units (sold out)
- *Columbia Square*—2600 & 2604 Sherman Ave, NW—28 units (sold out)
- *Brookland House*—2615 4th St, NE—26 Units (19 units sold)
- *Capitol Square*—1520 & 1524 Independence Ave, SE—24 units (sold out)
- *The Nebraska*—51 Randolph Pl, NW—19 units (sold out)
- *The Jordan*—314 V St, NE—15 units (sold out)
- *Deco Flats*—1380 Bryant St, NE—14 units (sold out)
- *Potomac Square*—1323 K St, SE—12 units (sold out)

* * *

Education: B.A. in Marketing, Roger Williams College, Bristol, RI, 1984

Affiliations: National Association of Realtors, Greater Capital Area Association of Realtors, Northern Virginia Association of Realtors

February 2013
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BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.: 18519 **Case Name:** Gregory Igbozuruike

Address or Square/Lot(s) of Property: Square 3035, Lots 82 and 83

Relief Requested:

ANC MEETING INFORMATION

Date of ANC Public Meeting: 13/03/13 **Was proper notice given?:** Yes ✓ No ☐

Description of how notice was given: Community newsletter, Area listservs, Twitter, ANC 1A Website

Number of members that constitutes a quorum: 7 **Number of members present at the meeting:** 12

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

The chief issue with this variance request is the width of each building. As designed, each dwelling unit is 1 1/3 ft. narrower than the prescribed minimum width. There is also concern from residents on the 400 block of Newton Place that allowance of the width will result in no fewer than two additional living units which will create more demand for street parking than the block can handle.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

Upon reviewing the materials, The Commission recommends approval of the variance request. In its opinion, the variance allows the property to be developed to its fullest potential while maintaining the architectural integrity of the surrounding rowhouses on the 400 block of Newton Place, NW. Overall, this is a good proposal and in keeping with the types of development the Commission encourages. Recognizing that the increased density that results in this variance request may negatively impact public parking, we encourage the property owner to include more off street parking than the three originally planned. In reviewing the site, it should be able to easily accommodate this along the alley frontage of the property.

AUTHORIZATION

ANC 1 A **Recorded vote on the motion to adopt the report (i.e. 4-1-1):** 11 - 1 - 0

Name of the person authorized by the ANC to present the report: Kent Boese

Name of the Chairperson or Vice-Chairperson authorized to sign the report: Thomas Boisvert

Signature of Chairperson/ Vice-Chairperson: Thomas Boisvert **Date:** 3/13/13

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO 11 DCMR §§ 3012 AND 3115.