

BZA Application:

4409 Minnesota Ave. NE

BZA Case No. 18987

Presented by:

Meridith Moldenhauer

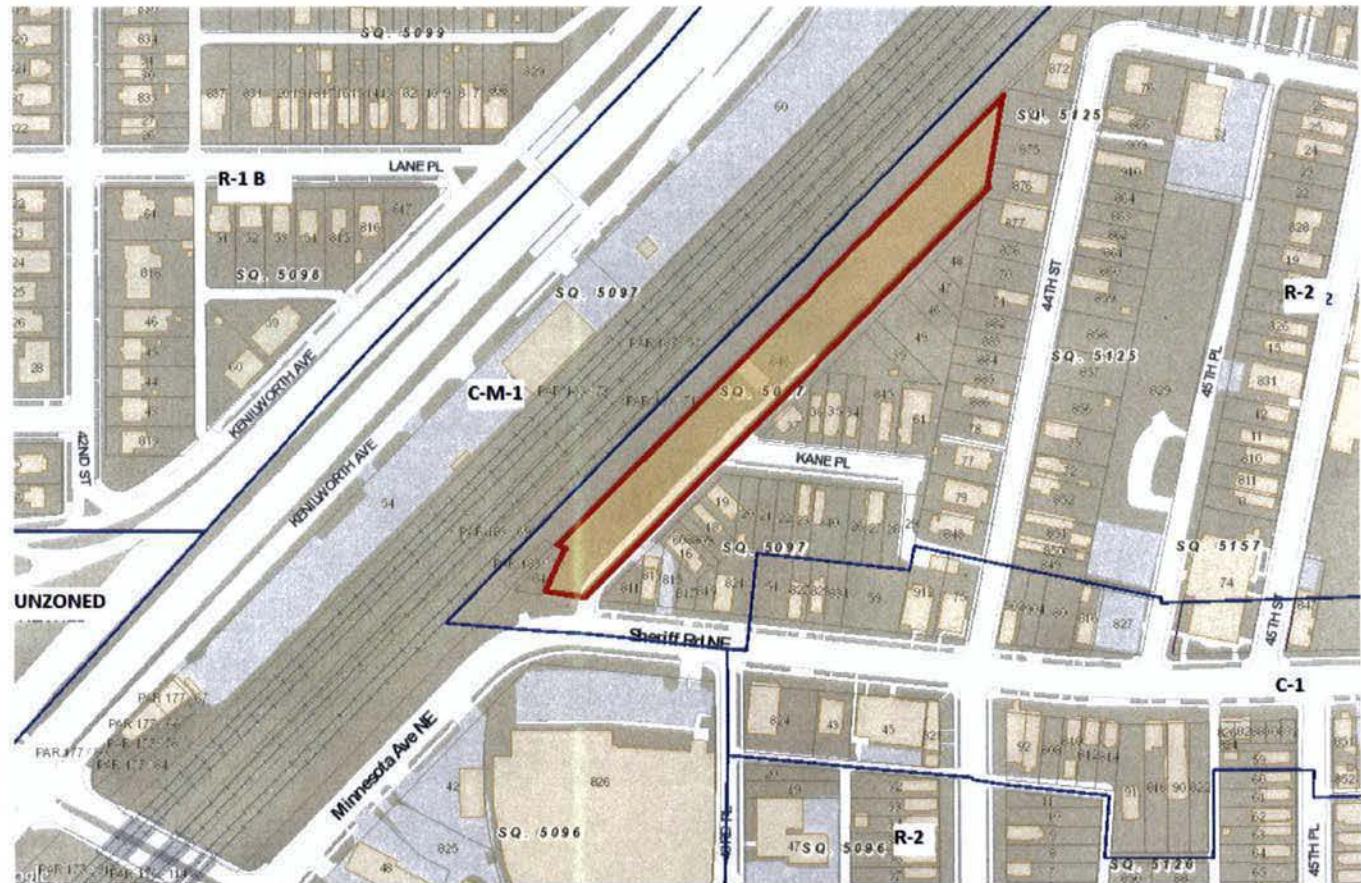
Griffin, Murphy,

Moldenhauer & Wiggins, LLP



Zoning Map

R-2 Zoning District



Existing lot



View of Property looking NE



View of Property looking SW

Financial Infeasibility: Limited ROE



- Developing any project that fully complies with all zoning requirements would be economically infeasible
- Profit/Loss Analysis submitted to the Board shows the infeasibility of fewer dwellings
- Submarket cannot support a development with larger or fewer units

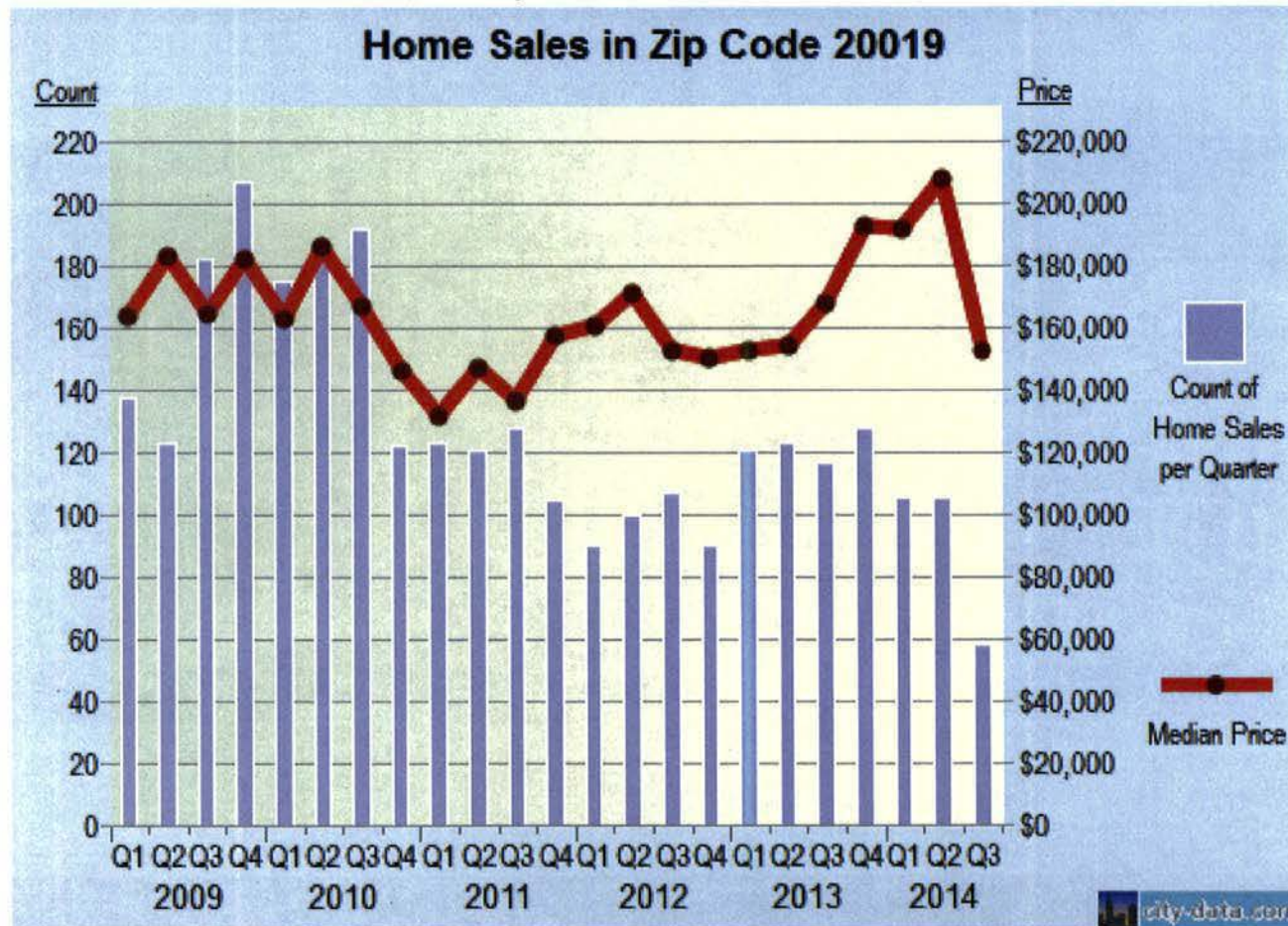
Sales By Price (ZIP 20019)

Med Sale \$ | ZIP: 20019
By Sold Price Range



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Median Home Sales (ZIP 20019)



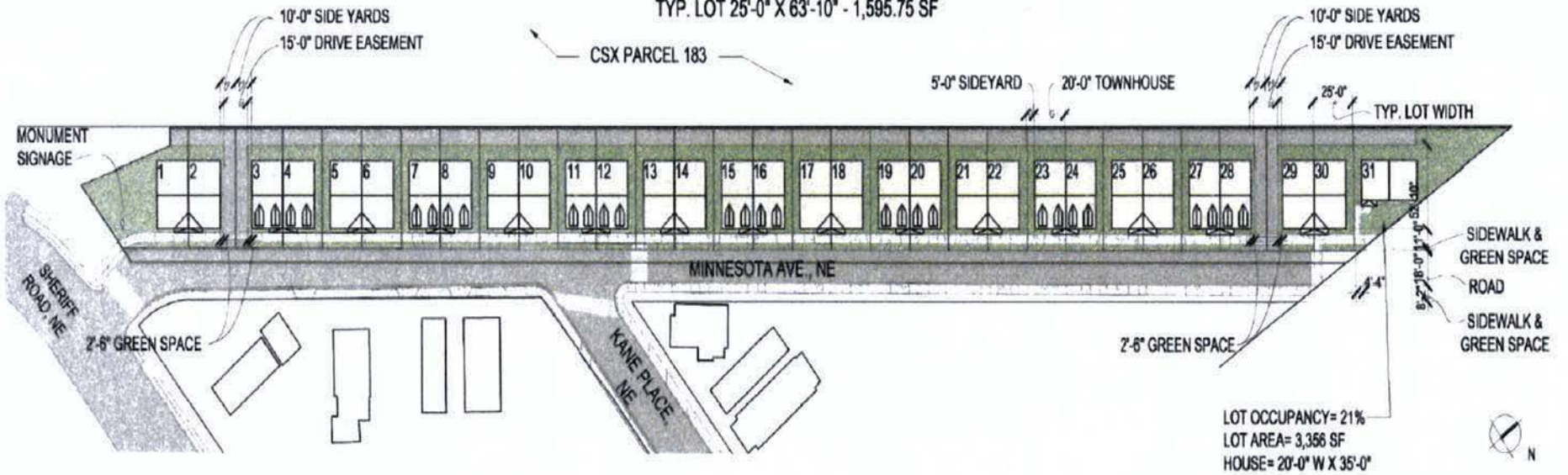


The Proposed Project

SINGLE FAMILY SEMI-DETACHED TOWNHOUSES

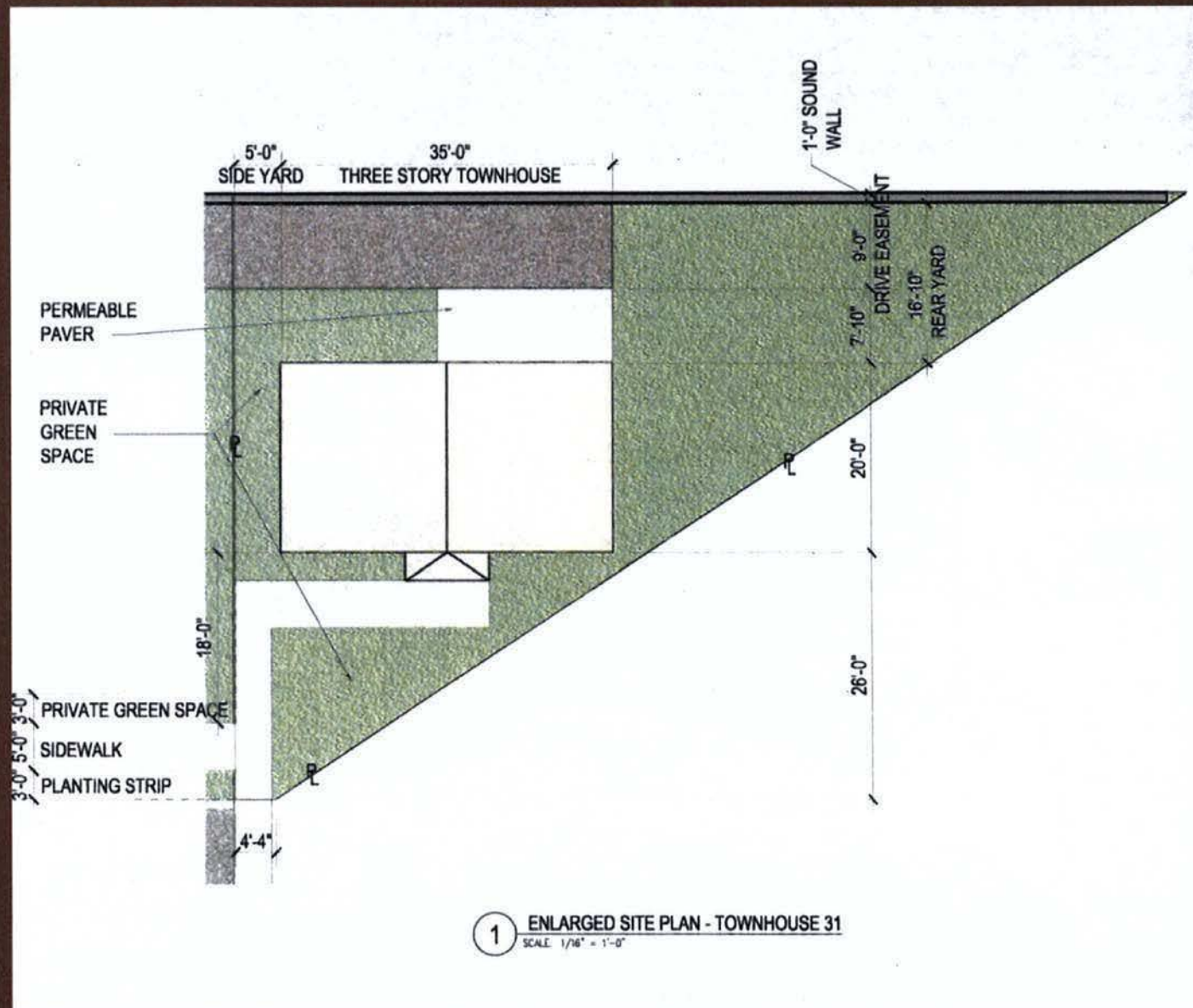
31 @ 20'-0" X 35'-0"

TYP. LOT 25'-0" X 63'-10" - 1,595.75 SF

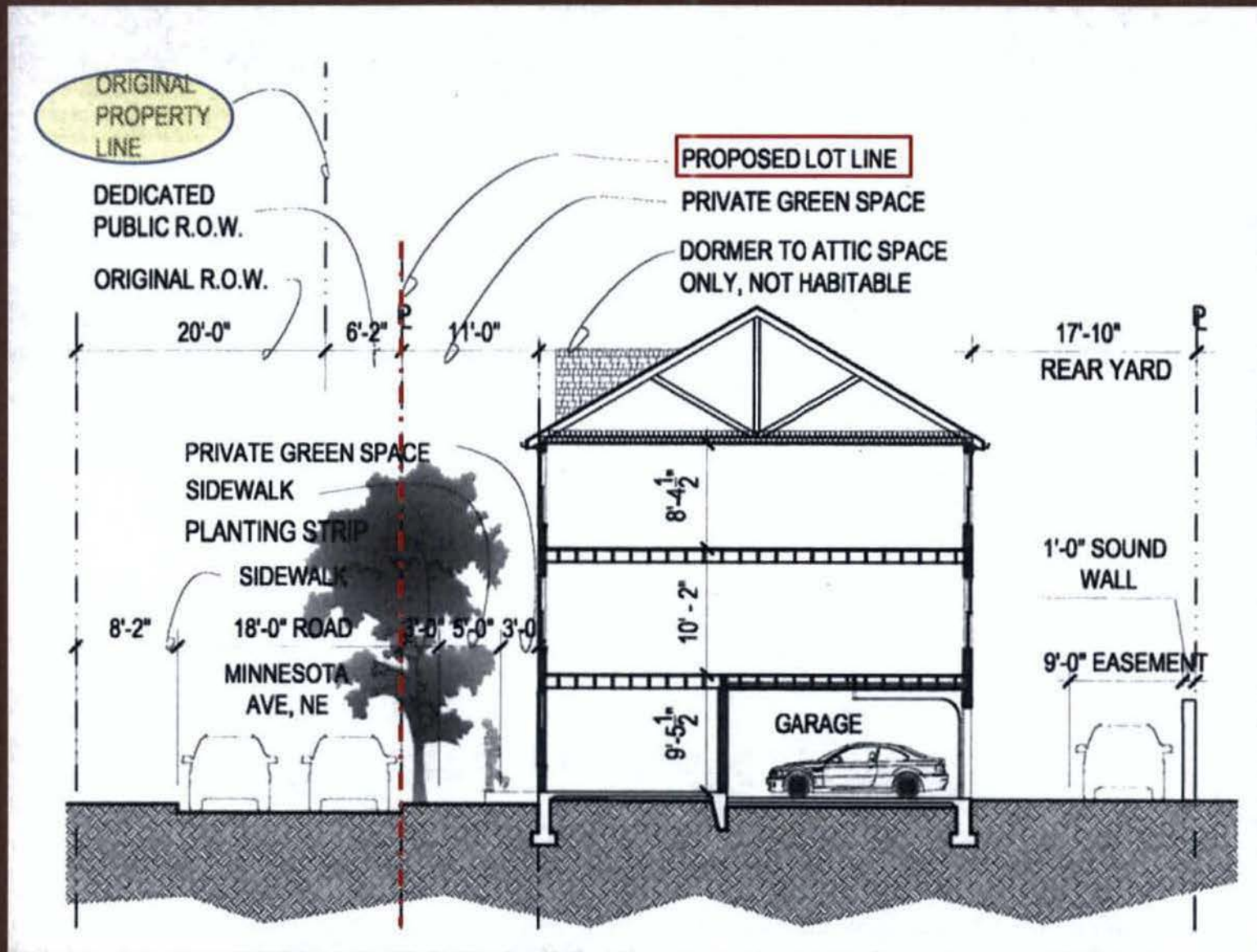


1 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

Site Plan



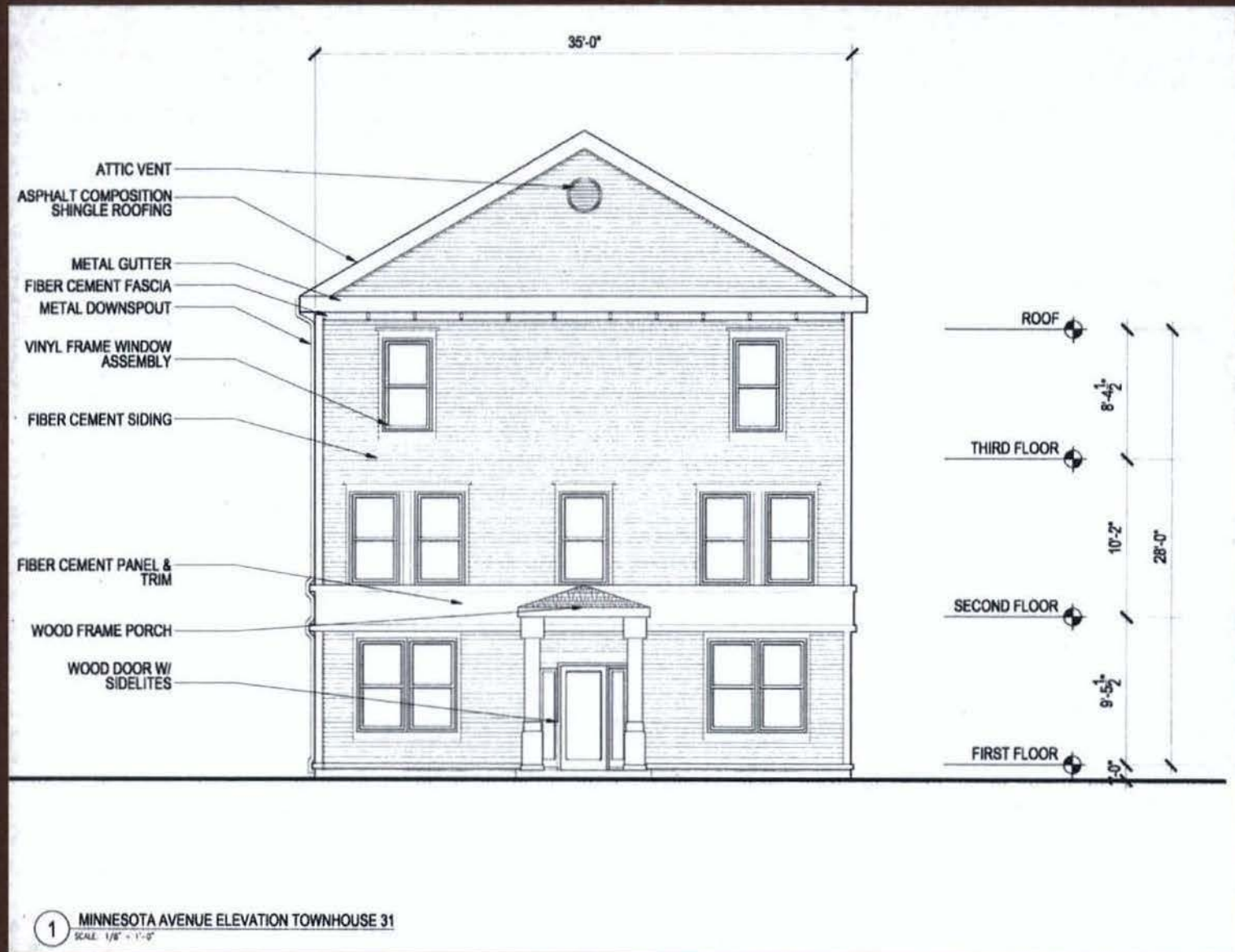
Townhouse 31 Site Plan



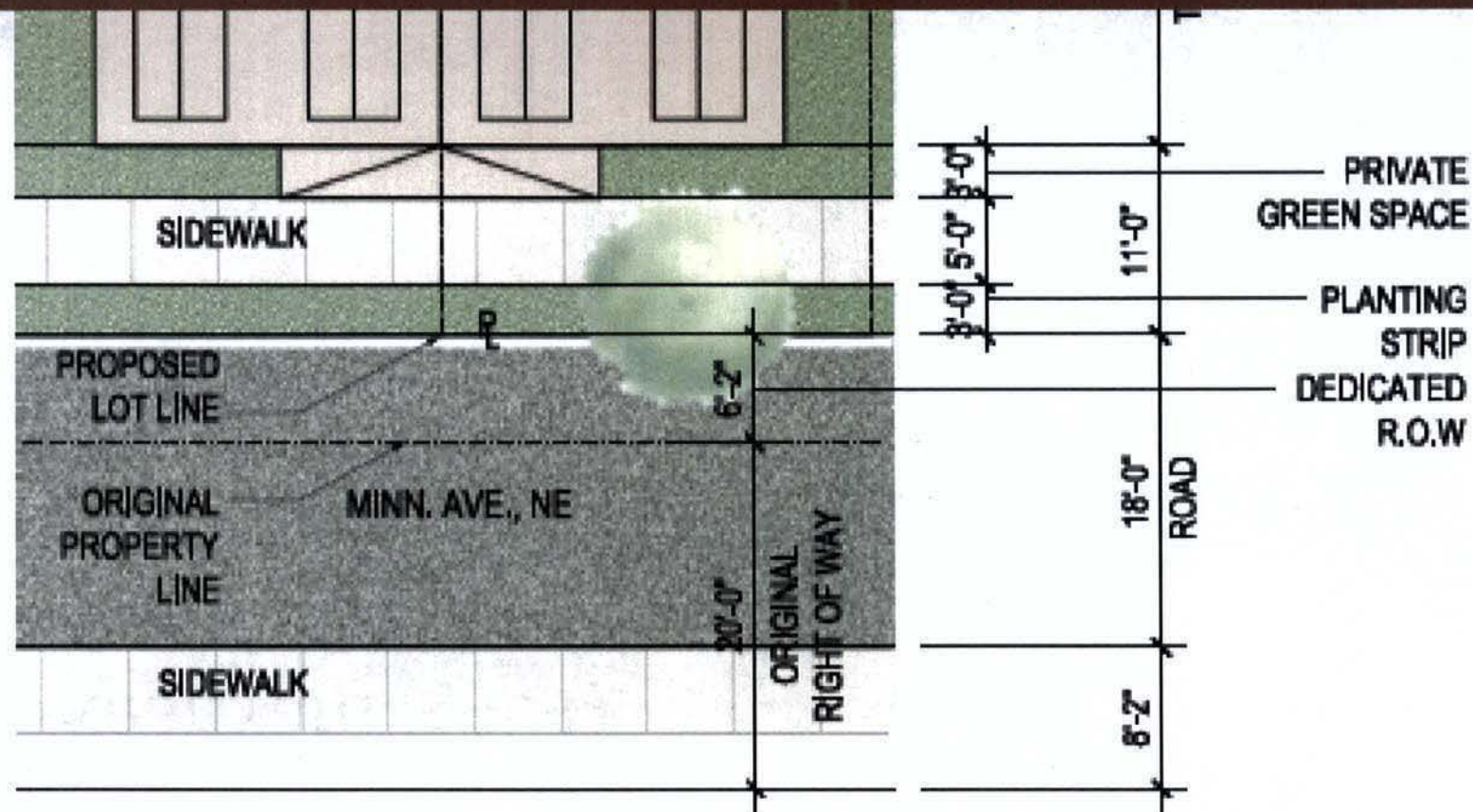
Typical Section 2-30



Enlarged Typical Elevations



Townhouse 31 Elevations



1 **TYPICAL ENLARGED SITE PLAN 2-30**
 SCALE: 1/8" = 1'-0"

DDOT Dedication

Zoning Relief

- Lot Area (§401)
- Lot Occupancy (§403)
- Rear Yard (§404)
- Side Yard (§405)
- Minimum Street Frontage (§406) – Lot 31 only

Variance: 3-Prong Test



- Exceptional Condition
- Practical Difficulty
- No Substantial Detriment to the Public Good or Inconsistency with the Zoning Plan

Exceptional Condition



- Shape and Size of the Lot
 - ▣ Extremely shallow – 70 feet deep
 - ▣ Enormous amount of street frontage
- Unimproved Lot – requires significant infrastructure improvements
- DDOT dedication
- Noise Attenuation/proximity to CSX tracks

Practical Difficulty without Zoning Relief



- Substantial loss of land due to DDOT dedication and road improvement requirements – 25% of depth of lot
- Large homes, or even similarly-sized homes, unsellable in submarket
- 100% affordable project at target sale price
- 3 IZ units dedicated as affordable in perpetuity

Building less than 31 houses is not financially feasible

Minnesota Ave DEVELOPMENT

House Sales Price			31 Houses	21 Houses	21 Houses	15 houses
House Sales Price			\$ 359,999.00	\$ 359,999.00	\$ 449,000.00	\$ 525,000.00
			1950 SF 4 bd/3.5 bath	1950 SF 4 bd/3.5 bath	3100 SF 4/5bd 4 bath	4200 SF 5/6 bd 4 bath
Purchase Costs (lot)			Purchase Price	Purchase Price	Purchase Price	Purchase Price
Purchase Price (lot)	\$ 850,000.00	Per lot after subdivision	\$ 850,000.00	\$ 850,000.00	\$ 850,000.00	\$ 850,000.00
Closing Costs & Legal	\$ 34,000.00	Est. of 4%	\$ 34,000.00	\$ 34,000.00	\$ 34,000.00	\$ 34,000.00
Prepaid Insurance (6 Months)	\$ 850.00		\$ 850.00	\$ 850.00	\$ 850.00	\$ 850.00
Prepaid Taxes (6 Months)	\$ 12,750.00		\$ 12,750.00	\$ 12,750.00	\$ 12,750.00	\$ 12,750.00
TOTAL			\$ 897,600.00	\$ 897,600.00	\$ 897,600.00	\$ 897,600.00
Bank Construction Loan Costs - per house						
Lender Points	\$ 8,032.00	2.00%	\$ 248,992.00	\$ 168,672.00	\$ 168,672.00	\$ 120,480.00
6 Months Interest Reserve	\$ 6,024.00		\$ 186,744.00	\$ 126,504.00	\$ 126,504.00	\$ 90,360.00
Holding costs for longer project					\$ 402,405.00	\$ 643,848.00
TOTAL			\$ 435,736.00	\$ 295,176.00	\$ 697,581.00	\$ 854,688.00

Net Profitability per house			Total Profit	Total Profit	Total Profit	Total Profit
Minnesota ave Sales			\$ 11,159,969.00	\$ 7,559,979.00	\$ 9,429,000.00	\$ 7,875,000.00
Total Costs			\$ (10,105,944.49)	\$ (9,833,135.14)	\$ (10,257,627.64)	\$ (14,219,848.03)
Total Profit			\$ 1,054,024.52	\$ (2,273,156.14)	\$ (828,627.64)	\$ (6,344,848.03)
			9%	-30%	-9%	-81%

TOTAL			\$ 1,570,823.00	\$ 1,245,823.00	\$ 1,245,823.00	\$ 1,089,823.00
Construction Costs						
Construction Costs \$100/sf	\$ 95.00		\$ 5,742,750.00	\$ 6,184,500.00	\$ 6,184,500.00	\$ 5,985,000.00
Construction Contingency	\$ 5.00		\$ 287,137.50	\$ 287,137.50	\$ 309,225.00	\$ 299,250.00
Sound wall	\$ 400,000.00		\$ 400,000.00	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00
Legal/marketing	\$ 1,500.00		\$ 46,500.00	\$ 31,500.00	\$ 31,500.00	\$ 22,500.00
TOTAL	\$ 401,600.00		\$ 6,476,387.50	\$ 6,903,137.50	\$ 6,925,225.00	\$ 6,706,750.00
Calculate Your Selling Costs						
Seller Closing Costs	\$ 1,800.00	0.50%	\$ 55,799.85	\$ 37,799.50	\$ 37,799.90	\$ 26,999.93
Seller Concession	\$ -	0%	\$ -	\$ -	\$ -	\$ -
Realtor Commissions	\$ 21,599.94	6%	\$ 669,598.14	\$ 453,598.74	\$ 453,598.74	\$ 4,643,987.10
TOTAL	\$ 23,399.94		\$ 725,397.99	\$ 491,398.24	\$ 491,398.64	\$ 4,670,987.03
Net Profitability per house			Total Profit	Total Profit	Total Profit	Total Profit
Minnesota ave Sales			\$ 11,159,969.00	\$ 7,559,979.00	\$ 9,429,000.00	\$ 7,875,000.00
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Reasonable Return Cases Granted



1. *Downtown Cluster*, 675 A.2d 484 (D.C. 1996):
 - 6% return for MOR project insufficient
 - 9% return found to be a reasonable return

2. *1444 Fairmont Partners, LLC*, BZA Case No. 18163-A
 - 15% return was a reasonable return

BASED ON PRO FORMA PROVIDED, PROPOSED DEVELOPMENT NETS A 9% RETURN; LARGER LOTS WOULD RESULT IN A SUBSTANTIAL LOSS

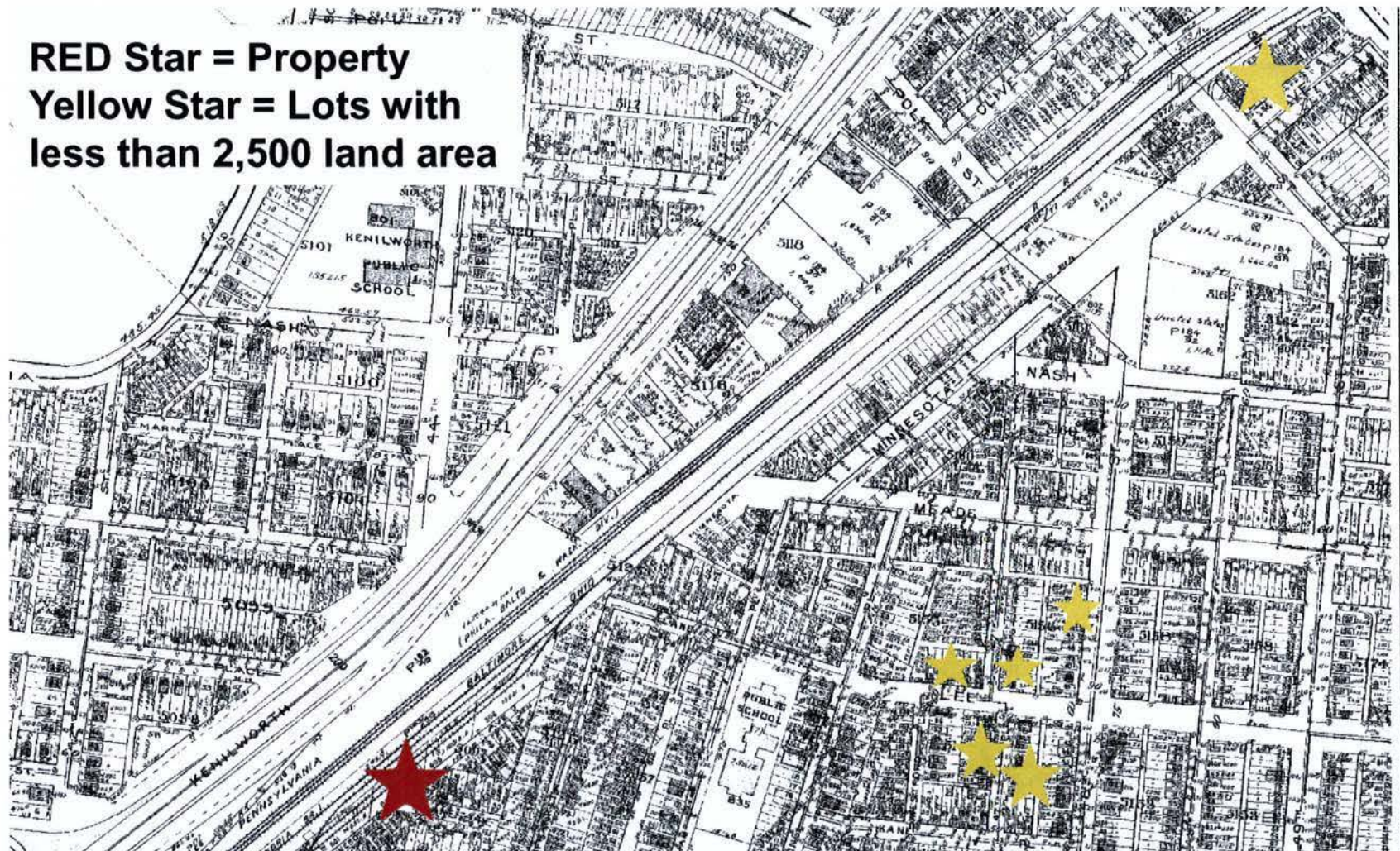
Special Exception for Lot Width



- 25 feet lot width with Special Exception
 - ▣ 25 feet has been pre-determined to be compatible as a bonus density feature for projects in R-2 that are subject to IZ
 - ▣ No adverse affect on neighboring properties
- Semi-detached dwellings permitted in R-2
 - ▣ Lot width has no impact on residential use of Property
 - ▣ Pattern of development matches surrounding area

Requested Relief in Keeping with Surrounding R-2 Community

RED Star = Property
Yellow Star = Lots with
less than 2,500 land area



4409 Minnesota Avenue, NE



Zone	R-2
Minimum Land Area	2,500
Project: 4409 Minnesota Avenue NE	
Total Square Feet (including DDOT)	55,517
# of units	31
Average Land Area	1,791
Deviation from 2,500 square foot minimum	28%

Breakdown of Surrounding Community

-- No Substantial Harm to Zoning Reg.



Property

4409 Minnesota Avenue NE

Percent Deviation from 2,500 Square Foot Minimum

28%

Surrounding Community

Percent Deviation from 2,500 Square Foot Minimum

Minnesota Avenue NE between Quarles Street NE and Eastern Avenue NE

34%

47th Place NE between Lee Street NE and Kane Place NE

28%

47th Place NE between Lee Street NE and Kane Place NE

25%

47th Place between Lee Street NE and Meade Street NE

23%

48th Place NE between Lee Street NE and Meade Street NE

20%

Lee Street NE between 46th Street NE and 47th Street NE

20%

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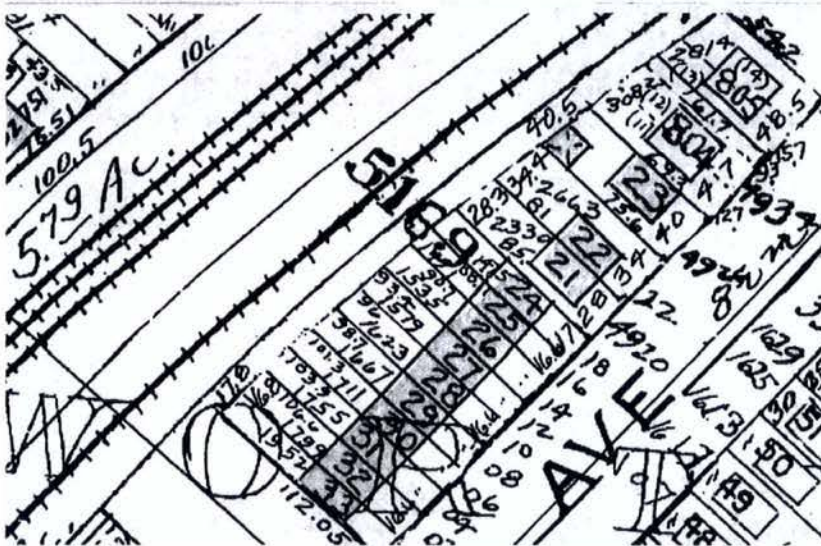


No Self-Created Hardship in Area Variance Cases

*Assoc. for
Preservation
of 1700
Block of N
Street NW,
et. al. v. DC
BZA, 384
A.2d 674
(1978).*

- “Petitioners state that whatever hardship faced the YMCA ‘was self-created to the extent of Metro YMCA having *full knowledge* of all problems with the alleged shape of the land, the type of zoning, and costs of putting in the parking, *prior* to the purchase of the property in March 1974.’ **The YMCA's self-created hardship is not a factor to be considered in an application for an area variance, however, as that factor applies only to a use variance.** See *Salsbery v. District of Columbia Board of Zoning Adjustment, D.C.App., 357 A.2d 402, 404 (1976); A.L.W., Inc. v. District of Columbia Board of Zoning Adjustment, supra at 431.*”

Similar long angled Square along Minnesota Avenue NE



Minnesota Avenue NE between Quarles Street NE and Eastern Avenue NE

Lot	Land Area	Width	Depth	Address
33	1952	17.5	111.5	4900 Minnesota Avenue NE
32	1799	16.5	109	4902 Minnesota Avenue NE
31	1755	16.5	106.4	4904 Minnesota Avenue NE
30	1711	16.5	103.7	4906 Minnesota Avenue NE
29	1667	16.5	101	4908 Minnesota Avenue NE
28	1623	16.5	98.36	4910 Minnesota Avenue NE
27	1579	16.5	95.7	4912 Minnesota Avenue NE
26	1535	16.5	93.03	4914 Minnesota Avenue NE
25	1491	16.5	90.36	4916 Minnesota Avenue NE
24	1475	17	86.76	4918 Minnesota Avenue NE

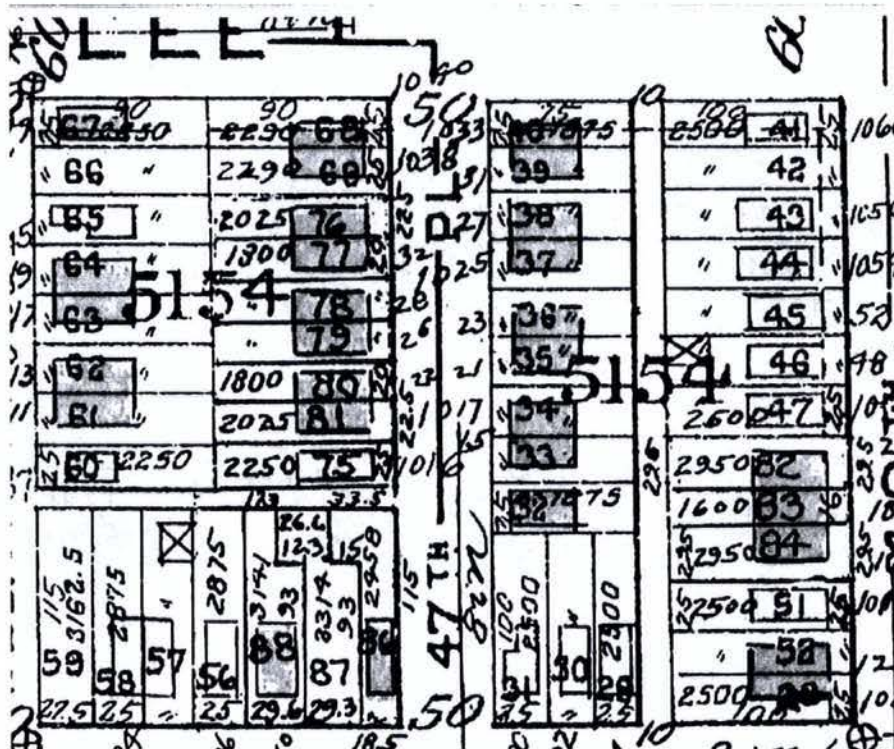
Total: 16,587 Land area

Total # homes 10

Average 1,659 Lot size

Deviation 34%

47th Street NE between Lee Street NE and Kane Place NE



47th Place NE between Lee Street NE and Kane Place NE

Lot	Land Area	Width	Depth	Address
81	1800	20	90	1018 47th Place NE
80	1800	20	90	1020 47th Place NE
79	1800	20	90	1022 47th Place NE
78	1800	20	90	1024 47th Place NE
77	1800	20	90	1026 47th Place NE
76	1800	20	90	1028 47th Place NE
40	1875	25	75	1033 47th Place NE
39	1875	25	75	1031 47th Place NE
38	1875	25	75	1027 47th Place NE
37	1875	25	75	1025 47th Place NE
36	1875	25	75	1023 47th Place NE
35	1875	25	75	1021 47th Place NE
34	1875	25	75	1017 47th Place NE
33	1875	25	75	1015 47th Place NE
32	1875	25	75	1011 47th Place NE

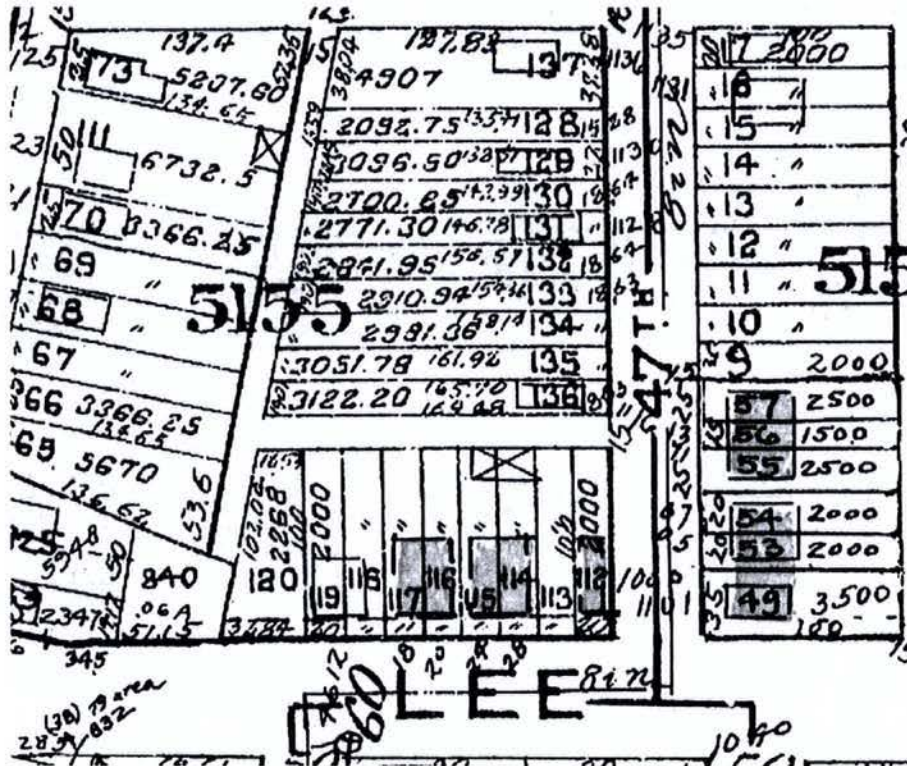
Total: 27,675 area

Total # of homes 15

Average 1845 lot size

Deviation 26%

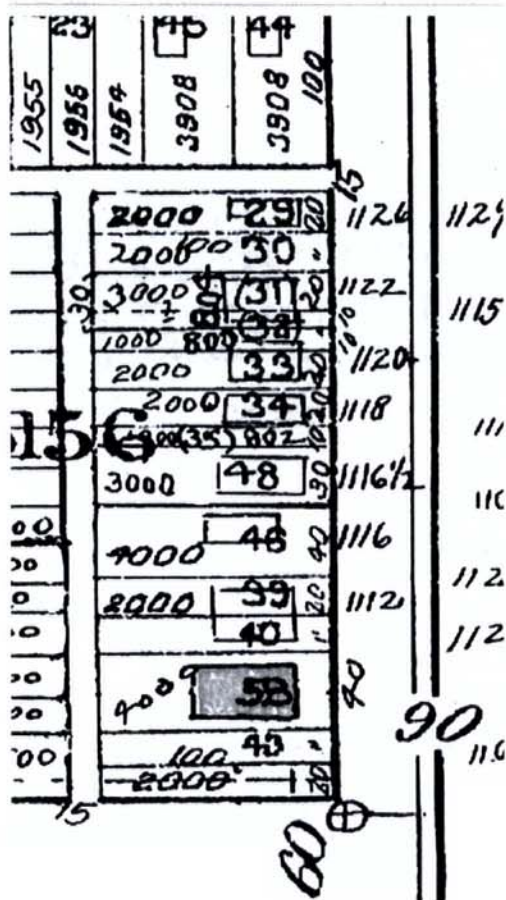
47th Place NE between Lee Street NE and Meade Street NE



47th Place between Lee Street NE and Meade Street NE

Lot	Land Area	Width	Depth	Address
49	3500	35	100	1101 47 th Place NE
53	2000	20	100	1105 47 th Place NE
54	2000	20	100	1107 47 th Place NE
55	2500	25	100	1111 47 th Place NE
56	1500	15	100	1113 47 th Place NE
57	2500	25	100	1115 47 th Place NE
Total: 14,000 Area				
Total # homes 6				
Average 2,333 Lot Size				
Decrease 23%				

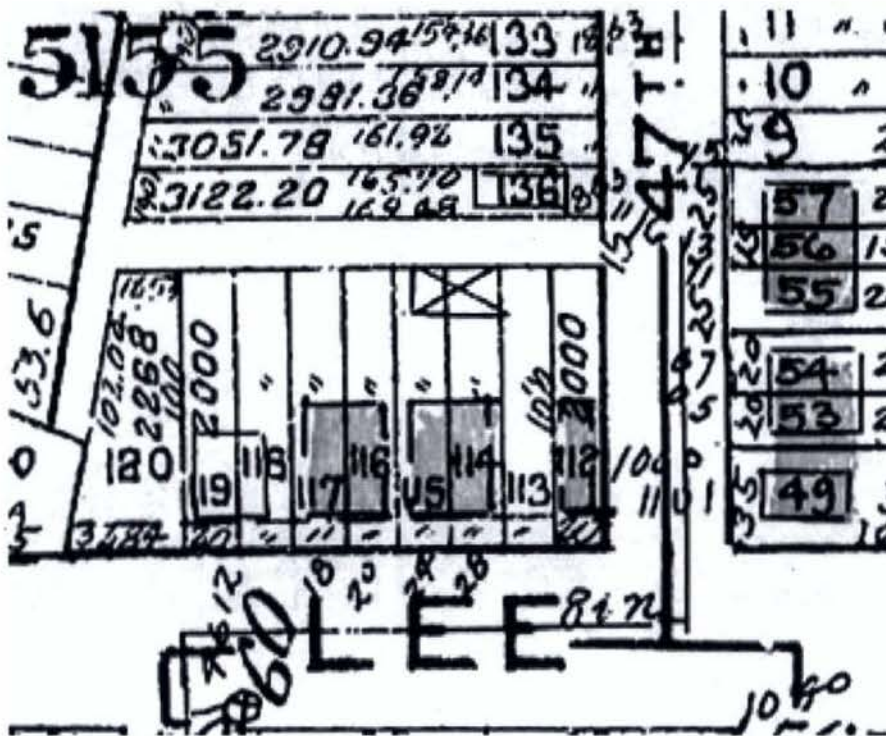
48th Street NE between Lee Street NE and Meade Street NE



48th Place NE between Lee Street NE and Meade Street NE

Lot	Land Area	Width	Depth	Address	
29	2000	20	100	1126	48th Place NE
31	2000	20	100	1122	48th Place NE
33	2000	20	100	1120	48th Place NE
34	2000	20	100	1118	48th Place NE
Total:		8000 Land Area			
Total # homes		4			
Average		2000 Lot Size			
Deviation		20%			

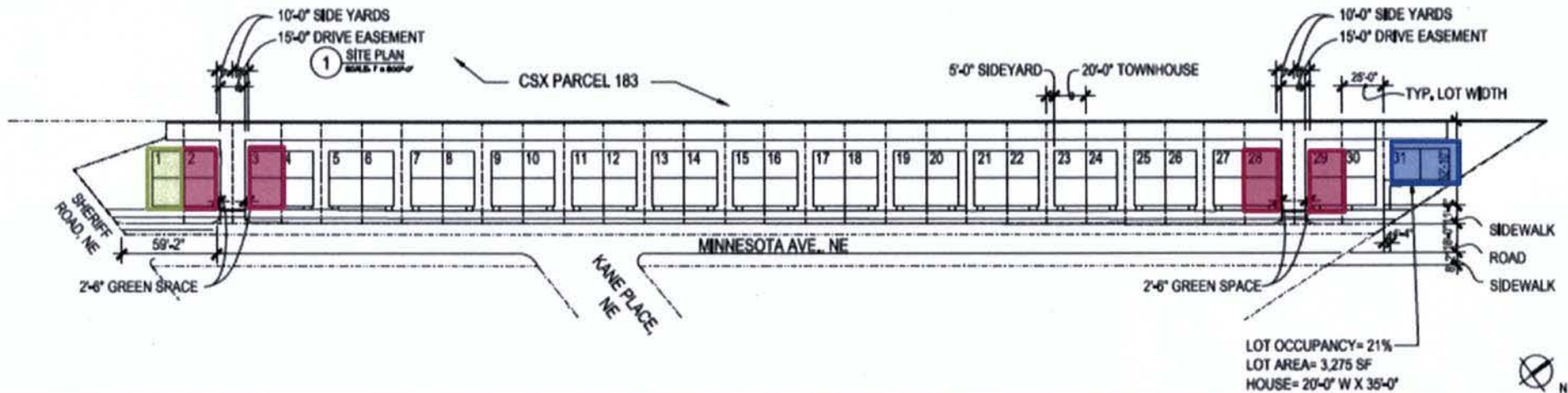
Lee Street NE between 46th Street NE and 47th Street NE



Lee Street NE between 46th Street NE and 47th Street NE

Lot	Land Area	Width	Depth	Address
117	2000	20	100	4618 Lee Street NE
116	2000	20	100	4620 Lee Street NE
115	2000	20	100	4624 Lee Street NE
114	2000	20	100	4628 Lee Street NE
Total:	8000 Land Area			
Total # Homes	4			
Average	2000 Lot Size			
Deviation	20%			

SINGLE FAMILY SEMI-DETACHED TOWNHOUSES
 31 @ 20'-0" X 35'-0"
 TYP. LOT 25'-0" X 63'-10" - 1,595.75 SF



Green=Rear yard relief

Pink= Rear yard and lot area relief

Blue= Rear yard and side yard relief

No Color= Rear yard, side yard, lot area and lot occupancy relief

Requested Relief Breakdown

Lots	Lot Width (ft.) (SE)		Lot Area (sf.) (V)		Rear Yard (ft.) (V)		Side Yard (ft.) (V)		Lot Occupancy (%) (V)	
	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed
1	25	42'-7"	2,500	2,804	20	9'-1/8"	8	30'-8"	40	25
2	25	30'	2,500	1,915	20	17'-10"	8	10	40	37
3	25	30'	2,500	1,915	20	17'-10"	8	10	40	37
4	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
5	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
6	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
7	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
8	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
9	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
10	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
11	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
12	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
13	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
14	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
15	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
16	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
17	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
18	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
19	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
20	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
21	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
22	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
23	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
24	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
25	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
26	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
27	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
28	25	30'	2,500	1,915	20	17'-10"	8	10	40	37
29	25	30'	2,500	1,915	20	17'-10"	8	10	40	37
30	25	25'	2,500	1,596	20	17'-10"	8	5	40	44
31	25	100'-9"	2,500	3,356	20	16'-10"	8	5	40	21

Requested Relief Table