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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 16669
1412 Chapin Street, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

February 20, 2001

I. Introduction

II. Site location and description

A. South side of Chapin Street between 14th and 15th Streets, N.W.

B. Site is rectangular in shape, 60 feet wide by 150 feet deep

C. Site contains 9,000 square feet

D. Site is bounded by a twenty foot public alley on the east and a twenty foot public alley on the south

E. Site is currently vacant, containing the covered remainder of a former apartment building which was demolished at the direction of the District of Columbia in August of 2000

III. Description of surrounding area

A. Site is part of Columbia Heights neighborhood

B. Primarily a mix of residential buildings, with row structures used as single family dwellings, flats and apartments and medium height and density apartment buildings

BZA
Case No. 16669
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16669
EXHIBIT NO.33

C. To the west: Chapin Street has a mix of four and five story apartment buildings, two and three story row dwellings, many vacant and unoccupied, followed by Malcolm X Park west of 15th Street

D. To the east: the Nehemiah Shopping Center and the 14th Street commercial corridor, with the Clifton Terrace apartments on the east side of 14th Street

E. To the north and south: additional mixed residential development

IV. Existing zoning: R-5-B

A. Uses (§§350 – 361): general residential district, permitting single family, two-family and multiple dwellings

B. Height - maximum of 50 feet (§400.1)

C. Minimum lot area and width: none prescribed (§401.3)

D. Floor area ratio - maximum of 1.8 (§402.4)

E. Lot occupancy – maximum of 60 percent (§403.2)

F. Rear yard - minimum depth of 4" per foot of height but not less than 15 feet (§404.1)

G. Side yard - not required (§405.6)

H. Parking (§2101.1): for apartment house use, minimum of 1 space for each 2 units

V. Proposed development

A. Use – apartment house of 31 units

B. Gross floor area of approximately 42,500 square feet (4.7 FAR)

C. Height: 59 feet to the top of the parapet, 55.5 feet to the top of the roof

D. Lot occupancy:

1. 100% for the first two floors

2. Approximately 83% at the second floor and above

E. Side yards: none

F. Rear yard: none

G. Parking: 27 spaces on one level with access from the 20 foot public alley at the rear

VI. Relief required

A. Variance from the height limitation

1. Maximum permitted is 50 feet

2. Proposed is 55.5 feet to the top of the roof, 59 feet to the top of the parapet

B. Variance from the floor area ratio limitation

1. Maximum permitted is 16,200 square feet of gross floor area

2. Proposed is approximately 42,500 square feet of gross floor area

C. Variance from the lot occupancy limitation

1. Maximum permitted is 60%

2. Proposed is 100% (83.2% at the second floor and above)

D. Variance from the rear yard requirement

1. Minimum required: 4" per foot of height but not less than 15 feet

2. Provided: none

VII. Standards for a variance (§3103.2)

A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;

C. Provided, that the relief can be granted 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.

VIII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Prior existence of an apartment building on the site which substantially exceeded the standards of the underlying zone for height and density

2. Partial destruction of the previously existing building due to fire and collapse due to extreme weather conditions

3. Subsequent order of the District Government to demolish the remainder of the building

4. Unusual depth of the property, having a depth of 150 feet with a width of only 60 feet

5. Slope of the property (from north to south and from west to east)

B. Practical difficulty

1. Property was purchased with the intention of renovating the existing building

2. Economic assumptions were based on a building then having:

a. Height of 59 feet

b. Gross floor area of more than 47,000 square feet

c. FAR of approximately 5.25

d. Lot occupancy of 93%

e. No rear yard

3. Additional costs associated with:

a. Demolition of previous building

b. Carrying costs of site over a longer period of time

4. Compliance with R-5-B requirements would require substantial reduction in building program and number of dwelling units achievable, making the project infeasible

5. Height, lot occupancy and rear yard variances are a direct result of the need to accommodate the proposed square footage necessary to make the project work

C. No detriment to the public good

1. Height would be consistent with the apartment buildings immediately adjacent, because of slope and the nature of existing surrounding buildings

2. New building would be smaller than the building it replaces

a. Lower square footage (5.2 FAR vs. 4.7 FAR)

b. Smaller number of units (40 vs. 31)

c. Lower lot coverage on the upper floors (93% vs. 83%)

d. Bigger setbacks on the north side

3. New building would have parking (almost 1:1)

a. More than required under the regulations (only 16 required)

b. Previous building had none

4. New building would represent substantial improvement to existing conditions on the block

   a. Many of the larger apartment buildings are vacant and in a deteriorated condition

   b. Area as a whole would be stabilized by construction of a new condominium building introducing additional homeowners in the area

IX. Conclusions

A. Subject property is affected by exceptional conditions, primarily because of the previous existence of an apartment house of larger size than the proposed building and the loss of that building due to reasons beyond the control of the owner

B. Strict application of the Regulations, limiting the building to 1.8 FAR, would be financially impractical for the owner, where the value and purchase price of the property was based on a building having more square footage and more units than what is proposed

C. The variances can be granted without substantial detriment to any surrounding properties

D. Approval of the application, allowing a new condominium apartment house, would be a significant contribution to home ownership in this neighborhood and would represent an upgrading of the property

E. The application should be granted