

March 9, 2016

VIA IZIS

Chairperson Marnique Heath
D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: Case No. 19193 – Applicant’s Supplemental Information

Dear Chairperson Heath and Members of the Board:

At the end of the March 1, 2016 public hearing in this case, the Board requested additional information and scheduled a continuation hearing for March 15, 2016. The additional information is included with this letter. In addition, as described below, we wish to review the basis for the practical difficulty that would result if the variance were not granted.

1. Practical Difficulty from a Matter-of-Right Project

A. Unit Size and Type would be Unmarketable.

The matter-of-right scenario of two conforming lots with a two-unit flat on each lot would create a practical difficulty due to the highly unusual size and type of the resulting units. Put simply, we would have a very difficult time marketing and selling a matter-of-right project.

The value of the land is based on the maximum matter-of-right building envelope that can be constructed on the property. This maximum envelope is two two-unit flats on two 24-foot wide and 2160 square foot lots. Each building would have a height of 35 feet and a lot occupancy of 60%.

For there to be even a hope of being able to recoup the investment in the land, we would have to construct the maximum building envelope on each of the lots. Plans for this theoretical matter-of-right project are included with this letter. As the plans show, each building would be 24 feet wide and would contain approximately 5000 square feet (2500 square feet per unit). Because each building would be two-units, the building would be a condominium.

As our real estate broker testified at the prior hearing, there is not sufficient market demand for condominium units of this extraordinarily large size in this location. Buyers in this neighborhood are looking for moderately sized single-family houses, not tremendously large condominiums. The predominant housing unit type within .33 miles (4-5 city blocks blocks) of this site is single-family houses (approximately 72% of the units sold within in the past 12 months).

Specific sales data from the last 12 months:

- The average unit size of residential units within .33 miles (4-5 city blocks blocks) sold within the past 12 months is 1500 square feet (1249 square feet for condominium units only and 1586 square feet for only single family houses).
- The average price per square foot within .33 miles (4-5 city blocks blocks) of this project site is \$438 for single family houses or \$478 for condominium units.
- To approximate the average sale prices per interior square foot, a 2500 square foot condominium would be priced between \$1,100,000 and \$1,200,000, which would be dramatically different than anything else in the sub-market – or across all of the Capitol Hill market. Buyers in this sub-market are not seeking to buy condominiums at this price point.

We would be unnecessarily burdened if forced to construct such unmarketable matter-of-right buildings, and all of the neighboring property owners have indicated that they are opposed to such unusual and inconsistent structures on the block. The proposed design for 3 fee simple row homes – which requires the requested relief – would generate a housing type that is more consistent with what buyers in this sub-market are seeking at this price point.

B. Design would be Greatly out of Character with the Neighborhood.

As we testified at the prior hearing, the majority of the lots in the neighborhood are approximately 16 feet wide. Most of these lots are improved with two- and three-story single family row houses. A building survey conducted by the Capitol Hill Restoration Society (CHRS) affirms this conclusion.

The scale of the proposed single family houses in this case – 16 feet wide and three stories tall – is consistent with the neighborhood character. As the significant support in the record shows, the neighbors agree with this determination.

If we were to construct two matter-of right buildings, we would be unnecessarily burdened with a bulky design greatly out of character with the neighborhood. At 24 feet wide, the matter-of-right houses would be 50% wider than most others in the neighborhood, thereby creating a stark and unwelcome contrast to the neighboring houses. As the plans show, a theoretical matter-of-right project would create a significant adverse aesthetic impact as well as a potential adverse light and air impact from the bulk. This lack of neighborhood design

consistency would contribute to the practical difficulty that would affect us. Indeed, in the case of *Washington Canoe Club v. D.C. Zoning Commission*, the D.C. Court of Appeals found that “stylistic consistency with other neighboring structures” can constitute part of a practical difficulty in an area variance.¹

2. Other Similar Cases

The Board has granted the requested lot width relief for similar projects in several other recent cases. Most notably, the project that the Board approved in Case No. 18318 was nearly identical. In that case, the property was zoned R-4 and had a width of 52 feet and an area of 4940 square feet. The Board granted the applicant’s request to construct three single family houses on three lots of nonconforming width and area. The relief was granted based on the practical difficulty that would have resulted from the lack of a market in that neighborhood for the large houses that would have resulted from two matter-of-right 26-foot wide lots

In addition, the Board approved similar projects in Case Nos. 18413 and 18519. In both of those cases, the Board granted a variance from the lot width requirement in the R-4 zone to allow the construction of two and three, respectively, new flats.

We look forward to discussing this additional information with the Board on March 15.

Attachments

¹ 889 A.2d 995, 1002 (D.C. 2005).