



February 15, 2018

Eric J. DeBear

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**RE: BZA Application for 1528 W Street SE
Lot 824, Square 5779 – Application for Variance Relief**

Chairperson Hill and Honorable Members of the Board:

Please accept for filing the enclosed application of Mi Casa Inc. (the “Applicant”). Our law firm is representing the Applicant on a pro bono basis. The Applicant requests variance relief from Subtitle D §§ 302.1 and 307.4 to construct an affordable, semi-detached single-family home in the R-3 zone.

The application package includes the following materials:

1. Application Form;
2. Fee Calculator Form;
3. Statement of the Applicant;
4. Statement of Community Outreach;
5. D.C. Zoning Map;
6. Architectural Plans & Elevations;
7. Authorization Letter;
8. Form 135 – Zoning Self-Certification;
9. Statement of Existing and Intended Use;
10. Certification of Proficiency;
11. List of Names and Mailing Addresses of Owners within 200 Feet;
12. Names and Addresses of Each Person Having a Lease with the Property Owner;
13. Surveyor’s Plat;
14. Three Photographs of the Property;
15. Summary of Witness Testimony;
16. Resume of any Expert Witness; and
17. Certificate of Service for the Office of Planning and ANC.

LEGAL\34479293\1

We believe that the application is complete and acceptable for filing, and request that the Board schedule a public hearing for the application as soon as possible. If you have any questions, please do not hesitate to contact me on behalf of the Applicant.

Thank you for your attention to this application.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Eric J. DeBear", is written over a horizontal line.

By: Eric J. DeBear

Certificate of Service on Office of Planning and Advisory Neighborhood Commission

I certify that on the 15th day of February, 2018, a copy of this Application was served, via email, on the Office of Planning and Advisory Neighborhood Commission, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
planning@dc.gov

Advisory Neighborhood Commission 8A
c/o Troy Donte Prestwood, Chairperson
2317 16th Street SE, Unit 101
Washington, DC 20020
8A04@anc.dc.gov

Advisory Neighborhood Commission 8A
c/o Travon Hawkins, SMD Commissioner
1917 16th Street SE
Washington, DC 20020
8A05@anc.dc.gov


Eric J. DeBear

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
MI CASA INC.**

**1528 W STREET SE
ANC 8A**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, Mi Casa Inc. (the “Applicant”), a non-profit organization and the contract purchaser¹ of the property located at 1528 W Street SE (Square 5779, Lot 824) (the “Property”) in support of its application for variance relief, pursuant to 11 DCMR Subtitle X § 1000.1, from the development standards for lot dimension (Subtitle D § 302.1) and side yard (Subtitle D § 307.4) in order to construct a semi-detached, single-family home in the R-3 zone.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the variance relief requested herein pursuant to Subtitle X § 1000.1 and Subtitle Y § 100.3 of the Zoning Regulations of 2016.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property, comprised of Lot 824 on Square 5779, is a corner lot in the R-3 Zone District that is located at the juncture of W Street SE and 16th Street SE. A copy of the zoning map is attached at **Tab A** and a copy of the baist map is attached at **Tab B**. The Property has a land area of 2,760 square feet. The Property is currently unimproved; however, there was once a

¹ The Property is owned by the District’s Department of Housing and Community Development, which has authorized the Applicant to develop the Property.

structure on the Property, although it is not clear when the structure was demolished. *See **Tab B***. There is a 30-foot-wide alley to the rear of the Property.

The Property is located in the Anacostia neighborhood and is within the Anacostia Historic District. Square 5779 is bound by W Street SE to the south, 15th Street SE to the west, V Street SE to the north and 16th Street SE to the east. The surrounding area is residential in nature and comprised primarily of single-family homes, with some moderate-density apartment buildings as well. Fort Stanton Park is nearby to the east of the Property. The Ketcham Recreation Center is one block to the northwest of the Property.

The Anacostia Metrorail Station is 0.8 miles from the Property. Metrobus lines B2 and V2 have stops directly in front of the Property at the corner of W Street SE and 16th Street SE. Additionally, Metrobus lines 92 and V2 are three blocks from the Property.

B. The Project

The Applicant is a non-profit organization with a mission to provide affordable, family-sized housing in underserved areas of the District. The Applicant will construct a three-story, single-family home at the Property (the “Project”). A copy of the architectural plans is attached at **Tab C**. The Project will be a semi-detached residence with four bedrooms and will be located at the southeastern corner of the lot. The first floor will feature a kitchen and living room area along with one bedroom and a bathroom. On the second floor, there will be three additional bedrooms and a bathroom. The third floor is non-habitable attic space.

The Project will have a large rear yard to encourage family activities and provide a place for children to play. The Project will also create a small parking pad at the rear of the Property, and the parking space will be accessible from the 30-foot-wide alley running to the rear of the Property. The Project will have three interior balconies: two balconies on the eastern side of

home and an additional balcony on the western side. There is a covered front porch at the main entrance to the residence, which will extend 2'8" into public space.

Outside of the relief from the lot dimension and side yard requirements, the Project meets the development standards for the R-3 zone district. The rear yard will be 61'6", greater than the required 20' in the R-3 zone. The building height will be 26'6" and three stories, plus the attic, with a maximum height of 40' and 3 stories allowed in the R-3 zone. The maximum lot occupancy is 60%, but the Property will only have a lot occupancy of 27%. The front setback will be within the range of existing front setbacks on W Street SE.

IV. NATURE OF VARIANCE RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant seeks variance relief from the lot dimension requirements of Subtitle D § 302.1 and the side yard requirements of Subtitle D § 307.4. Specifically, the minimum lot area for a semi-detached building is 3,000 square feet with a required lot width of 30 feet. However, the Property is only 2,760 square feet with a lot width of 24 feet. Here, the Project's western side yard is only 6 feet in width, with a minimum side yard requirement of 8 feet in the R-3 zone. Under D.C. Code § 6-641.07(g)(3) and 11 DCMR, Subtitle X § 1000.1, the Board is authorized to grant variance relief where it finds that three conditions exist:

- (1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) The owner would encounter practical difficulties or undue hardship if the zoning regulations were strictly applied; and
- (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. 11 DCMR Subtitle X § 1000.1; *see also French v. Board of Zoning Adjustment*, 658 A.2d 1023, 1035 (1995); *see also Capitol Hill Restoration Society, Inc. v. Board of Zoning Adjustment*, 534 A.2d 939 (1987).

The Court of Appeals has held that the purpose of variance procedure is to “prevent usable land from remaining idle.” *See Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 541 (1972). It has long been held that the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *See Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (1990).

Importantly, the Board may apply a more flexible standard of review when it assesses a non-profit, public service organization. *See Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (1979). As part of this reduced standard of review, the Board may more fully weigh the equities of an individual case, including consideration of the property owner’s needs, in finding an exceptional situation or condition. *See Monaco* at 1098; *see also National Black Child Development Institute, Inc. v. D.C. Bd. of Zoning Adjustment*, 483 A.2d 687, 690 (1984). Here, the reduced standard of review should be applied to the Applicant, which is a non-profit organization seeking to provide affordable, family-sized housing as part of the Project.

V. APPLICANT MEETS BURDEN FOR VARIANCE RELIEF

As outlined below, the Project meets the requirements to obtain area variance relief to construct a single-family semi-detached residence at the Property.

A. The Property is Affected by an Exceptional Situation or Condition

1. Unimproved corner lot with abutting side yard

The Property is an unimproved corner lot, and the only neighboring property, which is to the west, has its own side yard abutting the Property. This configuration makes the Property unique in the neighborhood.

2. *Historic District*

The Property is located in the Anacostia Historic District. As such, new construction is restricted by historic preservation requirements, including the pattern of nearby homes that are semi-detached with small side yards. The Applicant has submitted an application to the Historic Preservation Review Board.

3. *Programmatic Needs*

The Applicant has partnered with the District's Department of Housing and Community Development on the Project. The goal of the Project is provide affordable, single-family homes to an underserved population in the District. The limited inventory of small, unimproved lots in the District provides the Applicant with a unique opportunity to construct a single-family home with multiple bedrooms at the Property.

B. The Applicant Will Face Practical Difficulties with Strict Zoning Compliance

The Applicant will face practical difficulties in constructing a semi-detached, affordable home for a family at the Property if the zoning regulations are strictly applied. As a corner lot, there is only one abutting property but that property to the west has its own side yard. This means that the Project *cannot* share a common division wall with any other property, and, therefore, the Project *cannot* be an attached dwelling under the Zoning Regulations. It follows that the Applicant cannot meet the lot dimension requirements for any other type of dwelling at the Property pursuant to Subtitle D § 302.1.

Further, the Project's design is constricted by certain historic preservation requirements in the Anacostia Historic District. In particular, the Applicant seeks to maintain a side yard to meet the general pattern of homes on the block, most of which feature small side yards. To construct the Project from lot line to lot line would diverge from the neighborhood character.

As to the side yard, the Property is narrow at 24-feet in width. The proposed Project has been designed so the width of the home is a modest 18 feet. Due to the ample public space to the east along 16th Street SE, the dwelling is already set back from the street. If the Applicant was required to provide a compliant 8-foot side yard to the west, the home would be further reduced to 16 feet maximum width. This would require the proposed stair to the second floor to be moved two feet to the east, constricting the interior floor plan. Accordingly, this would harm the Applicant's primary mission of providing an affordable, thoughtfully-designed family home.

C. The Variance Relief Will Not Cause Substantial Detriment to the Public Good or the Zoning Regulations and Maps

The construction of an affordable single-family dwelling will not cause a substantial detriment to the public good or the zoning regulations and maps. The area surrounding the Property is primarily single-family residences and the Project will be a single-family residence. The Applicant has designed the Project to fit with the scale and pattern of homes in the neighborhood, including as to the neighborhood's historic aspects. The Project will add a relatively small amount of density to the neighborhood, and the Project will provide the requisite parking space. To that end, the District's Comprehensive Plan is clear that an overarching goal is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." *See* 10A DCMR § 501.1. Further, "[e]xpanding the housing supply is a key part of the District's vision to create successful neighborhoods." *See* 10A DCMR § 503.1.

VI. COMMUNITY OUTREACH

After filing this application, the Applicant will reach out to Single Member District Commissioner Travon Hawkins to discuss the Project. The Applicant will work with ANC 8A to

be placed on the ANC's agenda for formal consideration of this application. In doing so, the Applicant will comply with any and all procedures and policies of ANC 8A.

VII. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.



Respectfully submitted
COZEN O'CONNOR



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Washington, D.C. 20036
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202-747-0769
Counsel for the Applicant

Tab A

Legend

-  Residential Apartment Zone
-  Residential Zone



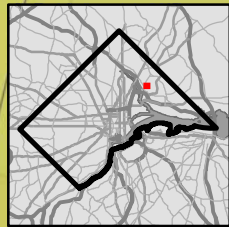
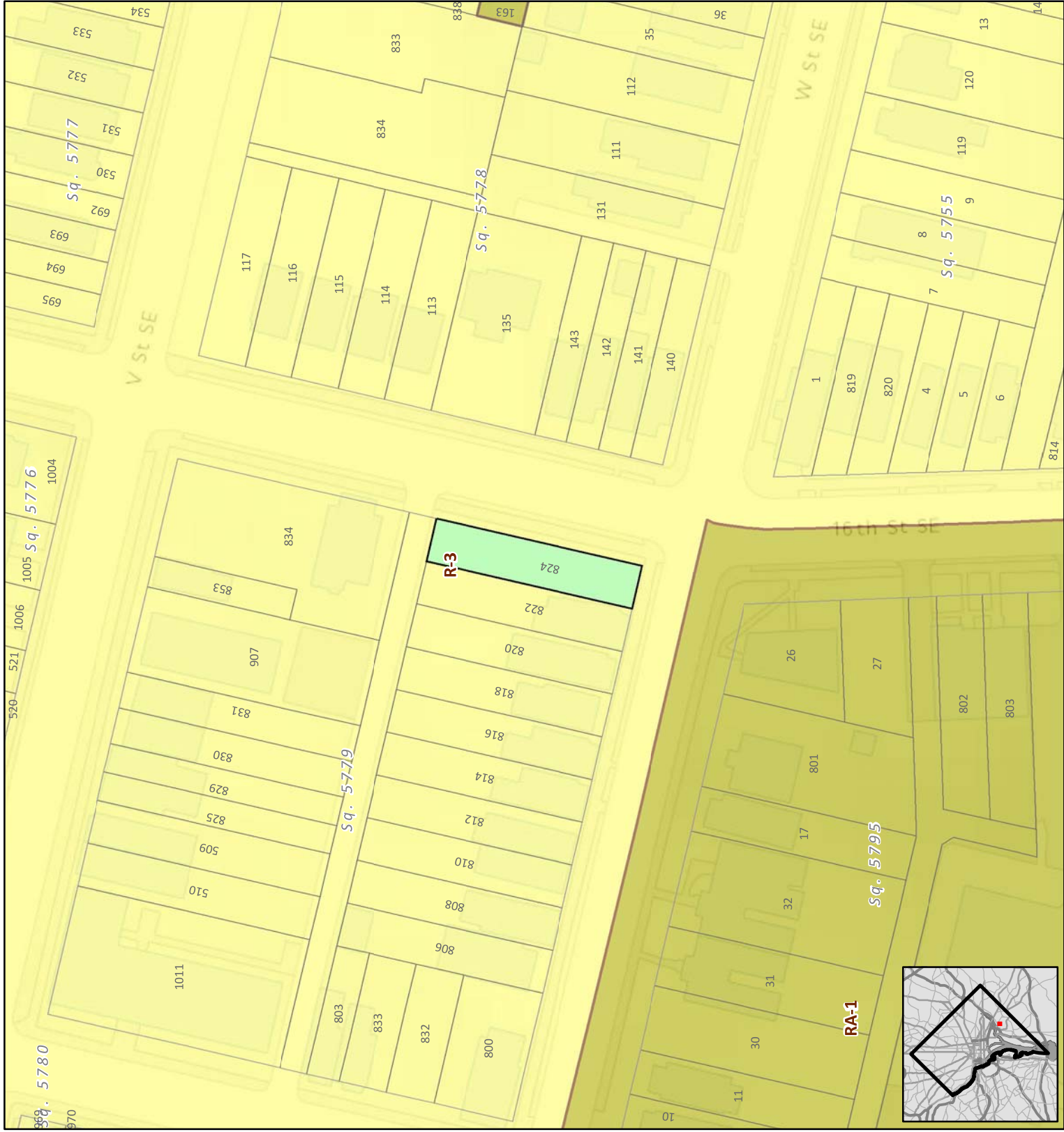
Zoning Map of the District of Columbia



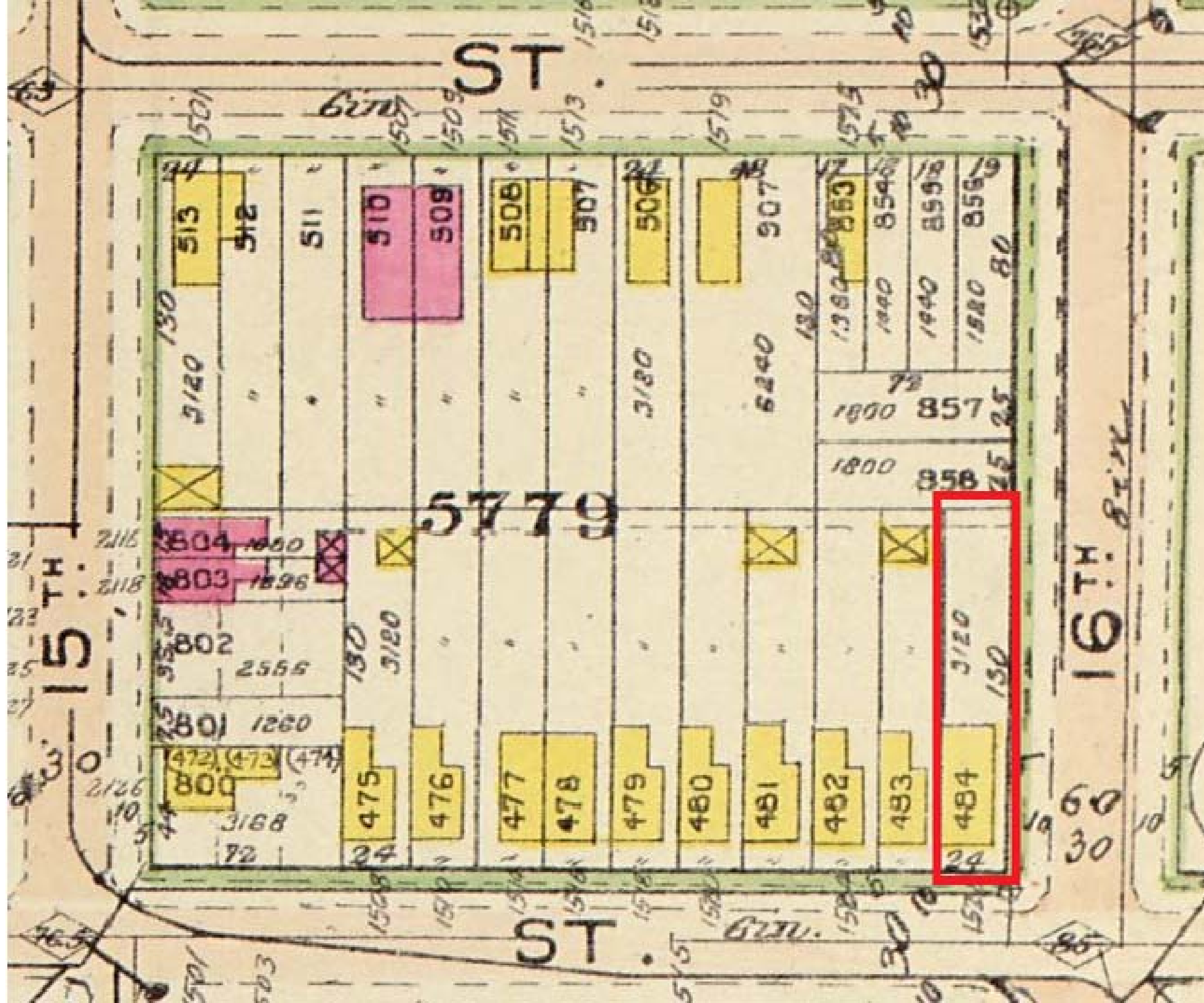
Extracted from Online Zoning Information published by the District of Columbia Office of Zoning, DCGIS, and Office of the Chief Technology Officer (OCTO) Exported on: 2/11/2018

To certify zoning on any property in order to satisfy a legal requirement, contact the office of Zoning at the address listed below.

District of Columbia Office of Zoning,
441 4th St NW, Suite 200 South, Washington, DC 20001
202-727-6311 | dcoz@dc.gov



Tab B



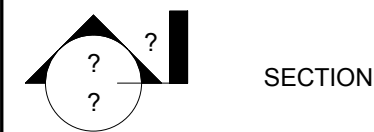
1919
Baist
Map

Tab C

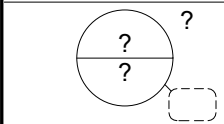
GENERAL NOTES

- All work to conform to all applicable codes and regulations (which take precedence over drawings).
- All materials equipment, assemblies, etc. to be installed as recommended by relevant manufacturers, trade associations, and codes.
- All lumber (sills, posts, etc.) in contact with concrete, dirt, or masonry to be pressure treated, wolmanized, ground contact type lumber.
- No materials are to be installed that contain asbestos or lead.
- Contractor to notify Architect if existing conditions, relevant codes or regulations are in conflict with drawings PRIOR to proceeding.
- "SBO" is "Supplied By Owner" and is to be installed by Contractor.
- Verify dimensions for windows, doors, counters, etc. BEFORE ordering or installing.
- Protect adjacent utilities, structures and plant materials from damage, fire, theft and vandalism during construction.
- Contractor is not to scale drawings. Contact Architect if additional dimension information is required.
- All new concrete footings are to be 2'-6" below adjacent grade or level with existing footing, whichever is greater.

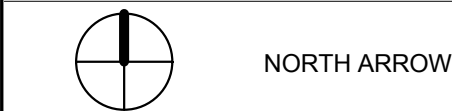
GENERAL LEGEND



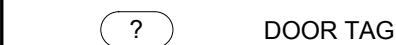
SECTION



CALLOUT



NORTH ARROW



DOOR TAG



SPOT ELEVATION



WALL TAG



WINDOW TAG



REVISION TAG

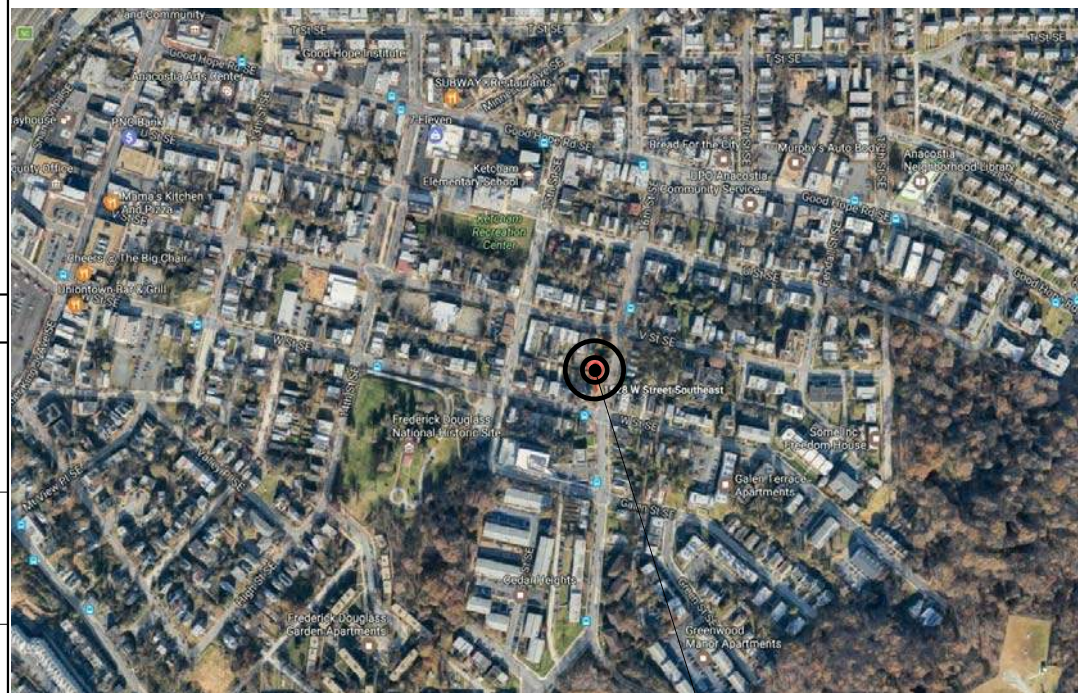


ROOM TAG

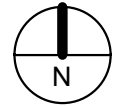
SHEET LIST

Sheet Number	Sheet Name
A-00	Project Information
A-10	Site Plan
A-11	Floor Plans
A-30	Exterior Elevations
A-40	Section
A-60	Color Photographic Images
A-61	Color Photographic Images

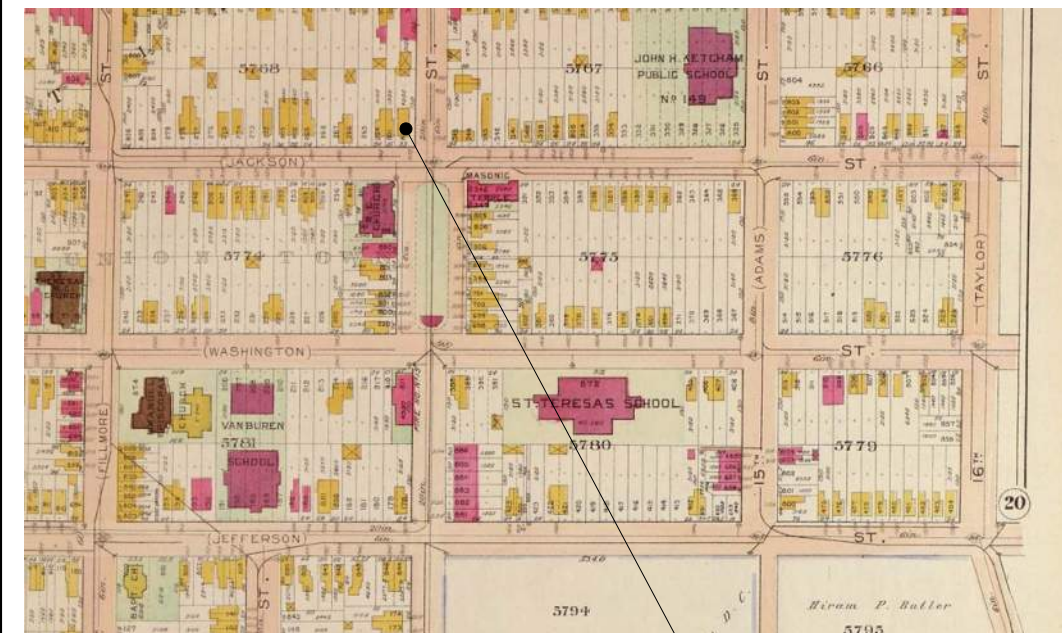
LOCATION MAP (NOT TO SCALE)



SITE



BAIST MAP(1903)



LOT SHOWING A STRUCTURE ON IT

PROJECT DATA / ZONING ANALYSIS

1528 W Street SE

Project Description: Proposed Two-story, Single-Family dwelling unit on a non-conforming lot for width (30' - 0") and area (3000 SF)

Owners: Department of Housing and Community Development
Address: 1800 Martin Luther King JR AVE, Washington, DC 20020-6900

Developer: MiCasa, Inc 6230 3rd ST. NW Suite 2, Washington DC 20011

Key: (*) From DCRA

Square/Lot: (*) 5779/0824 (Subdivison applied for record lot number)

Zoned: (*) R-3

Area of Lot: (*) 2,760 SF (24' X 115') See 1913 baist map (this sheet) showing the lot with a structure on it.

Lot Coverage:
 Allowable (*) 60%
 Proposed 27%

Building Height / Stories
 Allowable (*) 40'-0" (3 stories)
 Proposed 26'-6" (2 stories)

Front Yard
 Allowable (*) Within Range of Existing Front Setbacks
 Proposed 8'-0" VIF

Side Yards
 Allowable (*) If provided, no less than 5' - 0"
 Proposed 6' - 0"

Rear Yard
 Allowable (*) 20' - 0" (minimum)
 Proposed 61' - 6"

Pervious Surface
 Allowable (*) 20% (minimum)
 Proposed (*) 38%

Historic District Yes (Anacostia Historic District)

Required Parking 1 (1 Provided)

2013 DC Bldng Code Section 3202 Encroachments
3202.11.2.3 Projection.
 Allowable (*) 5'-0" (Streets with parking space)
 Proposed (*) 2'-8" (To match adjacent property)

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 Washington DC 20001
 t: 202.234.4200
 e: x@wdarchitects.us
 www.wdarchitects.us

Wiebenson & Dorman Architects PC

1528 W Street SE

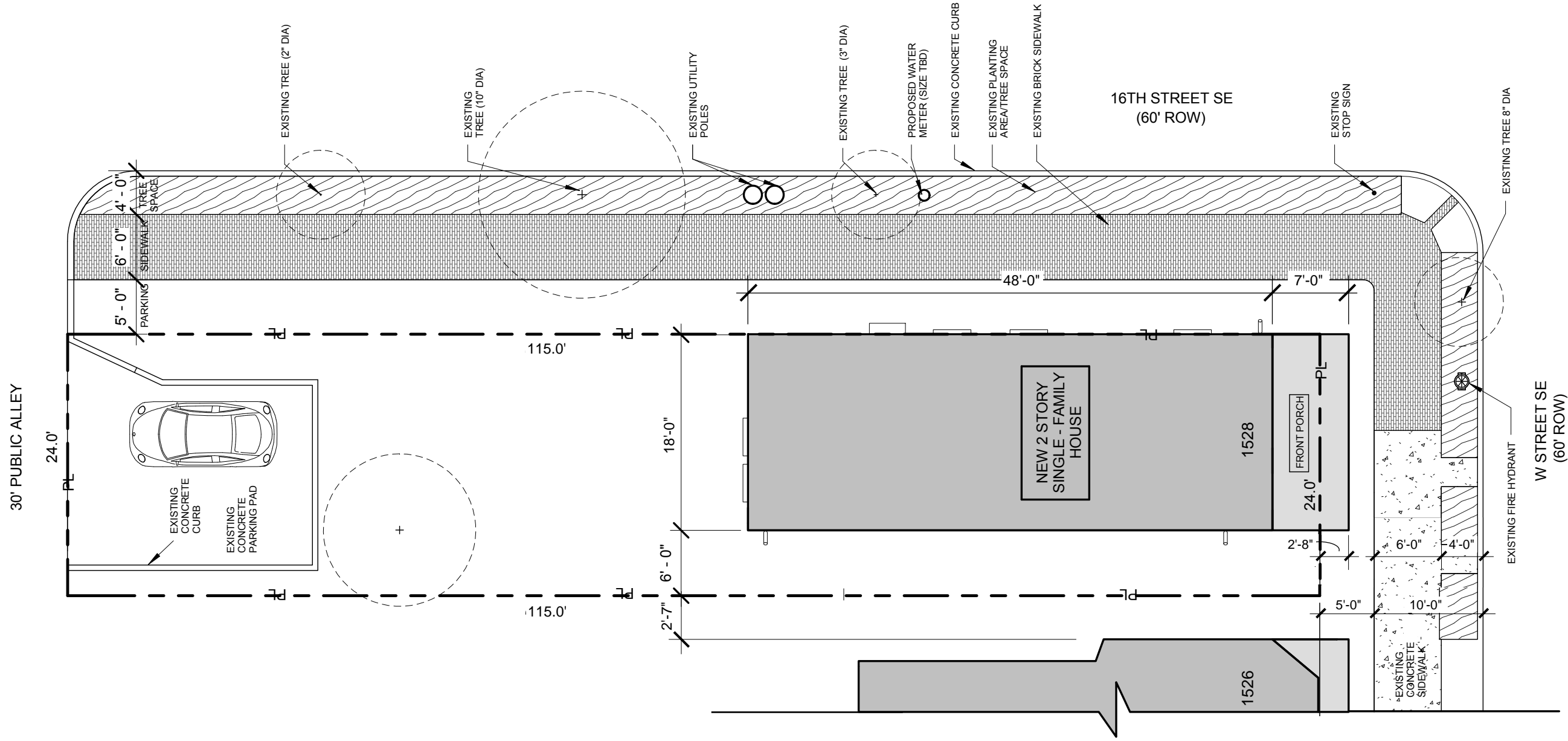
Project Information

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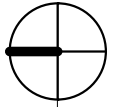
Date	Description
09.19.2017	HPRB Concept



A-00



1 Site Plan
 3/32" = 1'-0"



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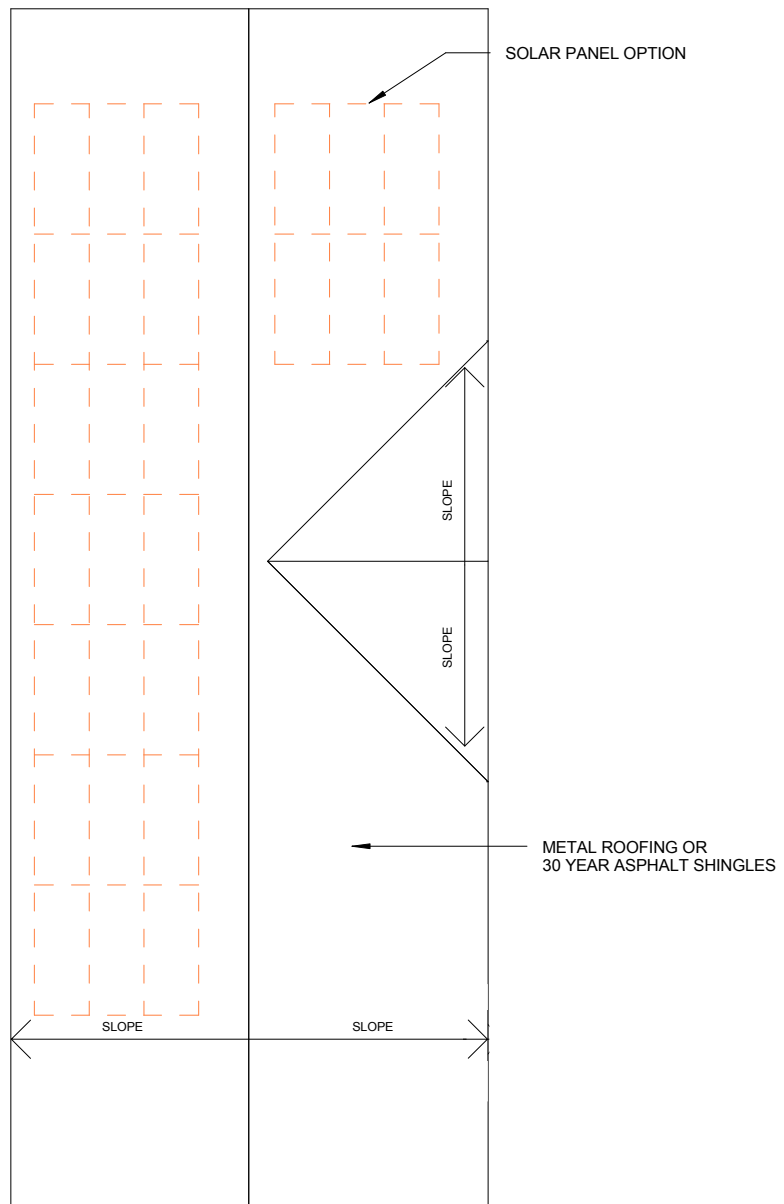
Site Plan

Date	Description
09.19.2017	HPRB Concept

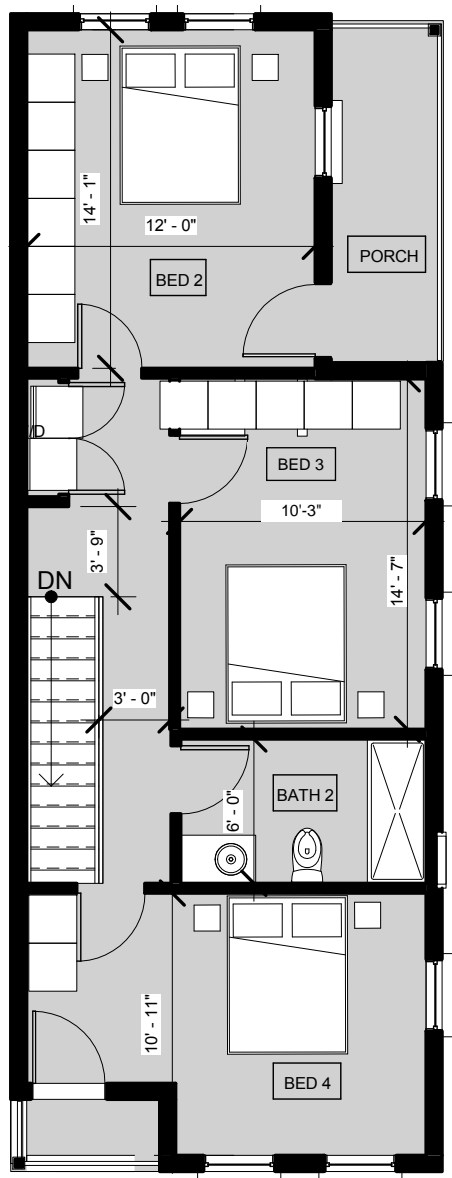
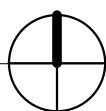


A-10

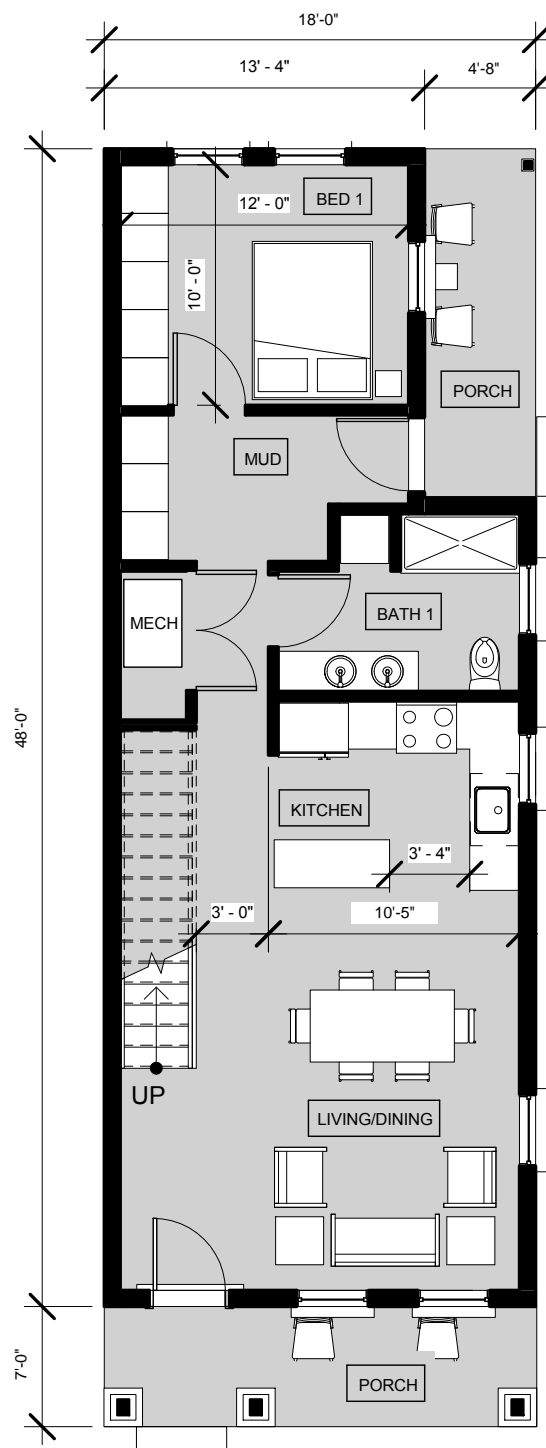
(C) 2017 Wiebenson & Dorman Architects PC



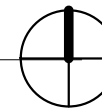
3 Roof Plan.
1/8" = 1'-0"



2 Second Floor Plan.
1/8" = 1'-0"



1 First Floor Plan.
1/8" = 1'-0"



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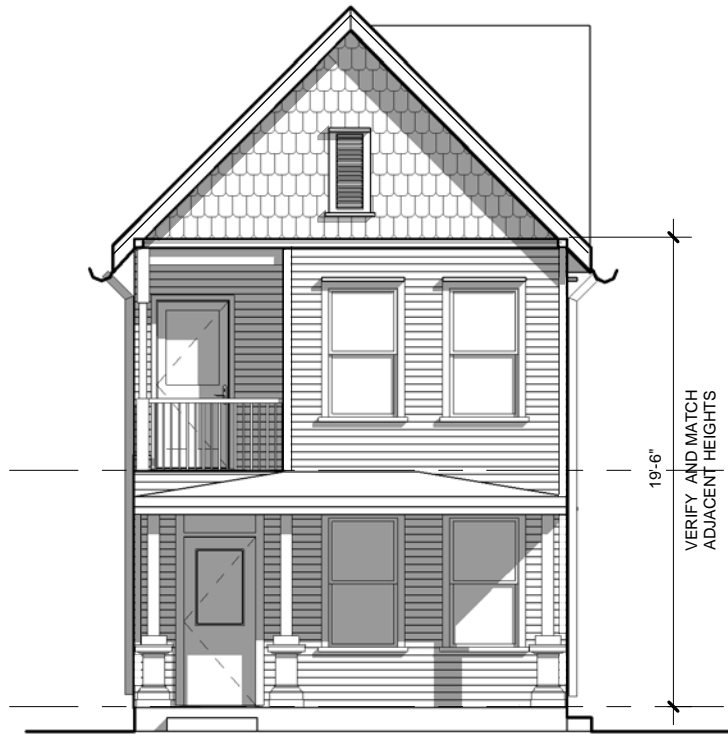
Floor Plans

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Date	Description
09.19.2017	HPRB Concept



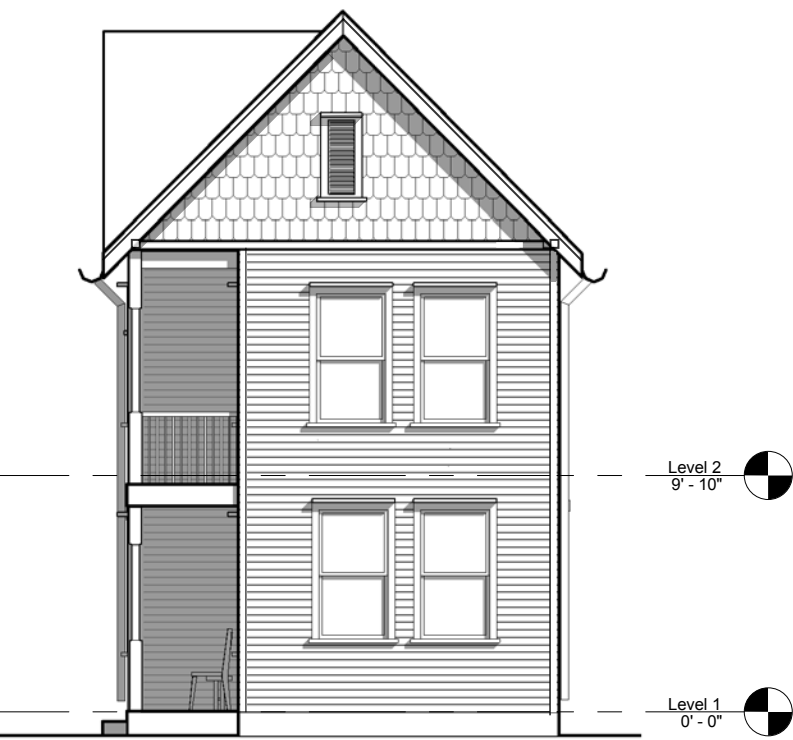
A-11



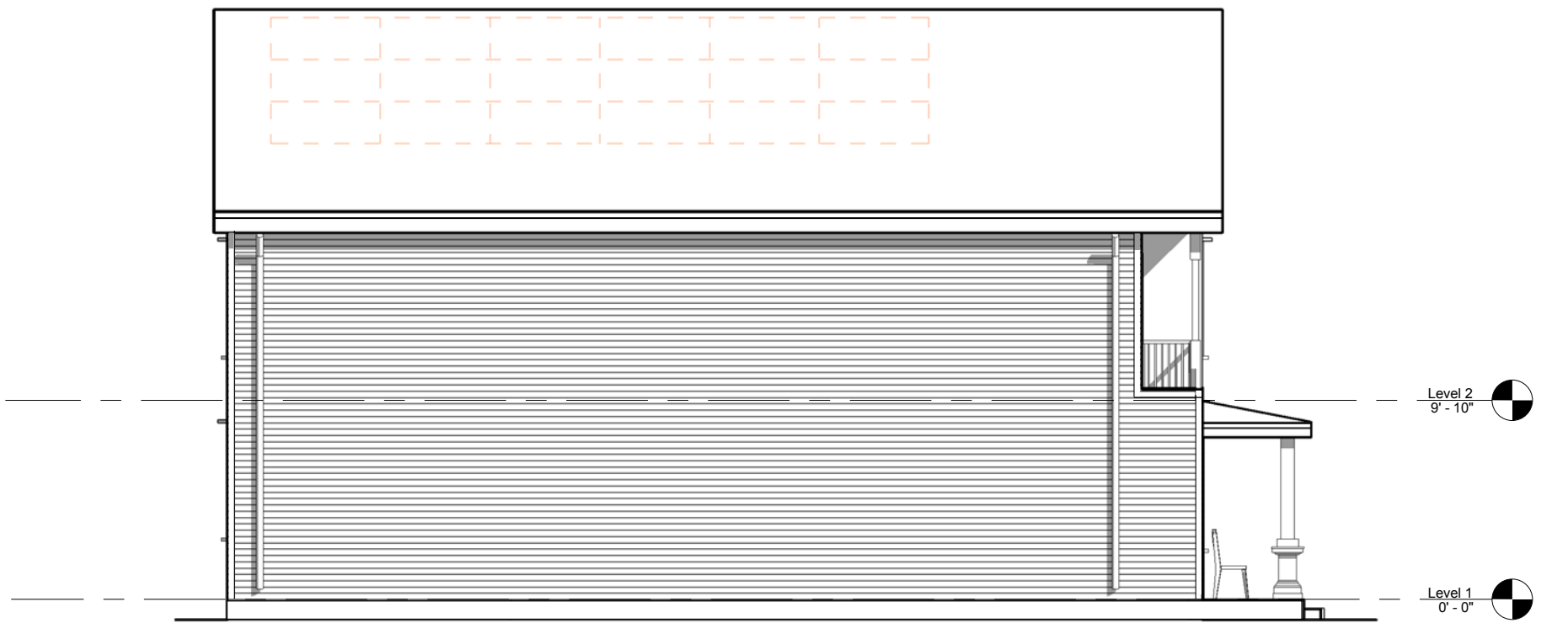
1 South Elevation.
1/8" = 1'-0"



2 East Elevation.
1/8" = 1'-0"



3 North Elevation.
1/8" = 1'-0"



4 West Elevation.
1/8" = 1'-0"

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1528 W Street SE

Exterior Elevations

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VIEW OF SITE LOOKING NORTH



VIEW OF SITE LOOKING NORTHWEST



VIEW OF SITE LOOKING SOUTHWEST



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1528 W Street SE

Color Photographic Images

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