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VIA IZIS

Frederick Hill, Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street NW Suite 210S  
Washington, DC 20001

**Re: BZA Application for 1928 15<sup>th</sup> Street SE**  
**Square 5766, Lot 0800 – Application for Area Variance Relief**

Dear Chairperson Hill and Members of the Board:

Please accept for filing the enclosed application of Mi Casa, Inc. (the “Applicant”). The Applicant requests an area variance pursuant to 11 DCMR § X-1000.1 and Subtitle D § 302.1 for lot dimensions.

The application package includes the following materials:

1. BZA Form 120, Application for Variance/Special Exception
2. BZA Form 126, Fee Calculator
3. BZA Form 135, Self-Certification
4. Agent Authorization Letter
5. Certificate of Proficiency
6. Plat showing the existing structure on the Property
7. Zoning Map
8. Photographs of the Property
9. Baist Atlas Map
10. Statement of Existing and Intended Use
11. Statement of the Applicant
12. Architectural Plans
13. Summary of Witness Testimony
14. Statement of Community Outreach

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19736  
EXHIBIT NO.9

15. List of names and mailing addresses of owners of all property within 200 feet of the boundaries of the Property
16. Certificate of Service upon the Office of Planning and the affected Advisory Neighborhood Commission

We believe that the application is complete and acceptable for filing, and request that the Board scheduled 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



Alyssa L. Bigley

Meridith H. Moldenhauer

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

**APPLICATION OF  
MI CASA INC.**

**1928 15th 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 purchaser<sup>1</sup> of the property located at 1928 15<sup>th</sup> Street SE (Square 5766, Lot 0800) (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) 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 0800 on Square 5766, is a corner lot in the R-3 Zone District that is located at the juncture of 15<sup>th</sup> Street SE and U Street SE. A copy of the zoning map is attached at **Exhibit A** and a copy of the baist map is attached at **Exhibit B**. The Property has a land area of 2,688 square feet. The Property is currently unimproved; however, a structure existed on the Property at one time, although it is not clear when the structure was demolished. See **Exhibit B**.

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

The Property is located in the Anacostia neighborhood and is within the Anacostia Historic District. Square 5766 is bound by U Street SE to the south, 15<sup>th</sup> Street SE to the west, Good Hope Road SE to the north and 16<sup>th</sup> Street SE to the east. The square is split-zoned R-3 to the south and MU-4 to the north. The surrounding area is residential and mixed-use in nature and comprised primarily of single-family homes to the south, with the Good Hope Road SE commercial corridor to the north. The Ketcham Recreation Center and Ketcham Elementary School is directly west of the Property. And, the Frederick Douglas National Historic Site is approximately two blocks south of the Property.

The Anacostia Metrorail Station serving the Green Line is 0.7 miles from the Property. In addition, Metrobus lines 92, V2, W6, V5, W8, B2, and A32 are all within 0.2 miles (about 3 blocks or less) 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”). See plans at Exhibit C. The Project will be a semi-detached residence with four bedrooms and will be located at the northwest corner of the lot. The first floor will feature a kitchen and living room area along with one den/bedroom and one and a half bathrooms. On the second floor, there will be three additional bedrooms and a bathroom.

The Project will have a large side and rear yard to encourage family activities and provide a place for children to play. The Applicant will also create a small parking pad at the rear of the Property, accessible from the existing curb cut at the south edge of the Property.<sup>2</sup> The

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<sup>2</sup> The Applicant is working with DDOT to confirm this access.

Project will have a covered front porch at the main entrance to the residence, as well as a rear patio. See Exhibit C.

Outside of the relief from the lot dimensions, the Project meets the development standards for the R-3 zone district. The rear yard will be 38'-4", greater than the required 20' in the R-3 zone. The building height will be 26'-6" and two stories, 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 15<sup>th</sup> Street SE. And, the project provides an 8'-4" side yard, which exceeds the 8' side yard requirement.

#### **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. 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 28 feet. 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 north, 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 to 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, and would create an exceptionally wide home that would be incongruous with others in the vicinity.

**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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*Counsel for the Applicant*

**Certificate of Service on Office of Planning and Advisory Neighborhood Commission**

I certify that on the 15<sup>th</sup> 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 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[planning@dc.gov](mailto:planning@dc.gov)

Advisory Neighborhood Commission 8A  
c/o Troy Donte Prestwood, Chairperson  
2317 16<sup>th</sup> Street SE, Unit 101  
Washington, DC 20020  
[8A04@anc.dc.gov](mailto:8A04@anc.dc.gov)

Advisory Neighborhood Commission 8A  
c/o Travon Hawkins, SMD Commissioner  
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Washington, DC 20020  
[8A05@anc.dc.gov](mailto:8A05@anc.dc.gov)



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