

January 14, 2019

To: Mr. Clifford Moy

Office of Zoning - BZA

441 4th Street, NW, Suite 200S
Washington, DC 20001

Burden of Proof

Project Description

HIP West St Partners, LLC, owners of 2514 West SE and adjacent lot to the North, intend to construct two attached Workforce Housing Row Dwelling units, in partnership with the DC HFA. Lots are located on the South side of West St SE, and are numbered 0043, 0044 and are both 20' wide by 104.72' to 142.78' long.

Relief Sought

Lots are in the R-3 Zone, which is subject to the following regulations per DCMR 11

Subtitle D Section 307.4

307.4 In the R-2 and R-3 zones, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.

Relief sought from side setback requirement at both lots, for construction of two attached row dwellings to fully occupy 20' lot width.

Variance Test

To obtain an area variance, “an applicant must show that

- (1) there is an extraordinary or exceptional condition affecting the property;
- (2) practical difficulties will occur if the zoning regulations are strictly enforced; and
- (3) the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.”

We address each factor in turn below.

1. Exceptional Condition/“Uniqueness”

Variance is required due to the particular physical characteristics of the lots in question and HIP project standards/goals in terms of quality of dwelling units provided. Lots are 20’ wide, and therefore are optimally sized for attached row-dwellings. Providing a side yard would result in creation of two semi-detached row-dwellings, for which 30’ wide lots are required per Sub-Title D Section 302.1.

As outlined in the proposed text amendment to those regulations, Zoning Commission Case 23-17:

“In the 1958 Zoning Regulations, detached, semi-detached and row dwellings were defined by whether they provided side yards (two (2), one (1), or none respectively). In the 2016 Zoning Regulations the Commission, among other things, adopted amendments that replaced the definitions of Dwelling, one-family detached, Dwelling, one-family semi-detached, and Dwelling, row with definitions for Building, Detached, Building, Semi-detached, and Building, Attached. The 2016 definitions defined buildings by whether they are physically attached to an adjoining building and not by the provision of side yards.

The 2016 definitions and side yard development standards resulted in a shift from prior longstanding practices and have now required lot-line to lot-line buildings that would not share a common division wall to provide the required side yard. This has resulted in inconsistent infill buildings when they cannot attach to another building in a row or semi-detached block or when a property owner only owns a single lot.

Based on experience implementing the 2016 Zoning Regulations, the Zoning Administrator’s (ZA) staff and the Office Planning drafted amendments to more closely align the 2016 Zoning Regulations with historical and ZA practice related to side yard requirements, which the Commission is proposing through this notice. In brief, the proposed amendments would amend the 2016 definitions and side yard requirements to allow a lot-line to lot-line building to be considered an attached building for purposes of determining a required side yard in the residential zones;

increase the minimum side yard width adjacent to an addition or extension to three (3) feet in the R-20, RF and RA zones; and require that existing conforming side yards not be reduced to a non-conforming width or eliminated.”

In addition, while a paper alley exists at the rear of the lots, it has never been finished. Terrain is undeveloped, heavily forested, and has a 16' grade both from West St towards the rear of the lots, and 9' from East to West.

2. Practical Difficulty

Accommodating 5' wide side yards, as required per D 307.4, would result in 15' row dwellings, greatly diminishing quality of dwelling units provided, and eliminating possibility of providing front-loading garages due to a 25% reduction in width.

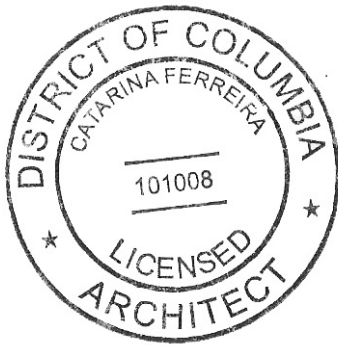
Finishing the paper alley would be prohibitively expensive in this case, given the site characteristics and length of alley to be developed.

3. No substantial detriment to the public good or integrity of the zone plan.

The construction of two attached row dwellings, instead of two semi-detached row dwellings on non-conforming lots, is more in keeping with the intent Zoning Regulations, and consistent with what has been historically done prior to 2016 changes to the Zoning Regulations, as outlined in the proposed text amendment to those regulations, Zoning Commission Case 23-17.

We believe the proposed development will not tend to affect adversely the Public Good, for reasons mentioned above, and will in fact be a benefit, as it will bring 2 much needed Work Force Housing units to the neighborhood, and a significant improvement to a largely undeveloped block. Off-street parking will be provided for all units.

Please do not hesitate to contact me with any questions or concerns.



Sincerely,

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