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Office of Zoning  
441 4th Street, NW, Suite 200-S  
Washington, DC 20001

## Revised Statement of Compliance with Burden of Proof

### Requested Zoning Relief

Pursuant to the revised BZA Referral Memorandum issued by the Office of Zoning Administration, the applicant is seeking the following relief:

1. Area Variance – Subtitle C § 306.1(a) pursuant to Subtitle X § 1000.1 to allow the creation of record alley lots without frontage on an alley meeting the minimum required width.
2. Area Variance – Subtitle C § 306.1(b) pursuant to Subtitle X § 1000.1 to allow access from an alley that does not meet the minimum width requirements.
3. Area Variance – Subtitle C § 306.1(c) pursuant to Subtitle X § 1000.1 to permit record lots with a lot area of approximately 1,850 square feet where 3,000 square feet is otherwise required.
4. Special Exception – Subtitle U § 601.1(f) pursuant to Subtitle X § 901.2 to allow residential use on alley lots that do not meet the minimum alley width requirements.

#### Area Variance – Lot Area (Subtitle C § 306.1(c))

The requested area variance is evaluated pursuant to the standards set forth in Subtitle X § 1000.1, which permit the Board to grant variance relief where, due to exceptional conditions of a property, strict application of the Zoning Regulations would result in practical difficulty.

##### (a) Exceptional Condition of the Property

The subject property is a long-established alley tax lot with an irregular configuration, limited frontage, and constrained dimensions that are unique within the square. These conditions are inherent to the property and were not created by the applicant. The lot's size, location, and relationship to the surrounding alley network constitute exceptional and extraordinary conditions within the meaning of Subtitle X § 1000.1(a).

**(b) Practical Difficulty**

Strict compliance with the minimum 3,000 square-foot lot area requirement would preclude any reasonable residential development of the property, rendering it effectively unusable. Given the lot's physical constraints, compliance is not feasible without eliminating any practical use of the site. The requested variance represents the minimum zoning relief necessary to allow modest, code-compliant single-family development while maintaining all other applicable zoning standards.

**(c) No Substantial Detriment to the Public Good or Zoning Plan**

Granting the requested variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose, or integrity of the Zoning Regulations or Zoning Map, consistent with Subtitle X § 1000.1(b). The proposed development complies with height, lot occupancy, pervious surface, parking, and setback requirements and is compatible in scale, massing, and use with nearby residential and alley-oriented development.

**Special Exception – General Criteria (Subtitle X § 901.2)**

The proposed development meets the general special exception standards in Subtitle X § 901.2 and, when considered together with the requested area variances evaluated under Subtitle X § 1000.1, represents a reasonable and appropriate use of the property.

The project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, particularly as applied to alley lots in the RF-1 zone. The proposed single-family dwellings are modest in scale, comply with height, lot occupancy, pervious surface, and parking requirements, and are consistent with the low-density residential character of the surrounding area.

The use will not tend to adversely affect neighboring properties. The buildings are oriented toward the alley, maintain generous rear-yard setbacks from the alley centerline, and are designed to minimize impacts related to light, air, privacy, noise, and service access.

The requested special exception and variances together constitute the minimum zoning relief necessary to permit reasonable development of a long-vacant alley lot that would otherwise remain underutilized.

**Comparative Intensity Analysis**

The proposed development is materially less intense than by-right residential development on a standard RF-1 lot with full street frontage and minimum lot area. Each proposed dwelling is limited to two stories with a cellar, maintains substantial pervious surface well in excess of zoning minimums, and occupies only approximately forty percent (40%) of each record lot.

By contrast, a conforming RF-1 lot could accommodate a significantly larger structure with greater building area, wider frontage, and increased visual and functional impacts on surrounding

properties. As proposed, the alley-oriented homes introduce residential use at a scale that is subordinate to and compatible with the principal street-facing development in the neighborhood.

### Consistency with Board of Zoning Adjustment Precedent

The Board of Zoning Adjustment has consistently recognized that long-established alley lots present unique physical constraints that justify variance relief where strict application of zoning requirements would preclude any reasonable use of the property. Similar applications involving substandard lot area and alley width have been approved where, as here, the proposal reflects minimal relief, modest building mass, and careful attention to compatibility with surrounding development.

The requested relief is narrowly tailored to address the property's exceptional conditions and does not establish an undesirable precedent, as it is specific to the lot's unique size, configuration, and alley access.

### Proposed Findings of Fact (Summary)

1. The subject property is a uniquely constrained alley lot whose size, configuration, and access conditions constitute exceptional circumstances not created by the applicant.
2. Strict application of the minimum lot area and alley width requirements would result in practical difficulty by preventing any reasonable residential use of the property.
3. The requested area variances and special exception represent the minimum zoning relief necessary to permit reasonable development.
4. The proposed development will not result in substantial detriment to the public good or impair the intent, purpose, or integrity of the Zoning Regulations or Zoning Map.
5. The application satisfies the standards of Subtitle X §§ 1000.1 and 901.2 and is consistent with prior Board precedent for alley lot development.

Respectfully,

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