

October 16, 2018

To: Mr. Clifford Moy

Office of Zoning - BZA

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

**Burden of Proof**

*Project Description*

DC Housing Finance Agency's ("DCHFA") Housing Investment Platform ("HIP") Single Family Investment Fund ("SFIF" or the "Fund") has partnered with HIP West St Partners, LLC, owners of 2501-2509 West SE, for the development of housing affordable to families earning workforce incomes (60-120% of Median Family Income). Project has been developed as part of the Vacant to Vibrant DC initiative.

HIP West St Partners, LLC, seek Board of Zoning Adjustments relief for the subdivision of lots at such property, for construction of a 6 Unit Workforce Housing Row Dwelling development. A total of three lots are involved: lots number 0824, 0069, 0050. Intent is to combine the three lots and subdivide the larger lot into six individual lots of different dimensions to make them optimal for development.

*Relief Sought*

Lots are in the R-3 Zone, which is subject to the following regulations per DCMR 11: Subtitle D Section 302.1

**TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS**

<b>Zone</b>	<b>Minimum Lot Width (ft.) for building type; applicable to all zones in left column</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-1-A	75	7,500
R-1-B	50	5,000
R-2	40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures)	4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures)
R-3	40 (detached) 30 (semi-detached) 20 (attached) 16 (IZ attached) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (attached) 1,600 (IZ attached) 4,000 (all other structures)

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

Relief sought from lot area requirements. Relief is sought from lot area and width at five of the six lots proposed. Proposed end of row lot is 17'-6" wide (instead of the 20' required) by 104'-10 ¾" deep, and 1,836 sq ft instead of the required 2,000 sq. ft. minimum.

Relief is also sought at the end of row lot proposed. Proposed end of row lot is 22'-6" wide (instead of the 30' required) by 104'-10 ¾" deep, and 2,360 sq ft instead of the required 3,000 sq. ft. minimum.

### *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 particular physical characteristics of the lots in question, such as overall lot dimensions, and their inability to meet DCHFA project goals without adjustments to lot dimensions proposed. Lots are adjacent to attached row dwellings to the West, and the proposal for additional attached row dwellings is in character with remainder of the block. Existing row dwellings to the West are 14.8' wide. In addition, higher density developments also exist in the immediate vicinity, such as the multi-unit building to the East of the public alley at the East end of the lots in question.

#### 2. Practical Difficulty

Variance is also required due to the property owners' inability to meet specific DCHFA project goals in terms of number of units provided for project viability under which project has been developed without said relief. Project parameters are outlined below:

1. Buyer household income must not exceed 120% of Area Median Income, or \$140,640 as of 09/17/2018, at time of sale.

2. Home price will be recorded at a market price and the buyer will purchase at a reduced price affordable to workforce households. The difference in price will be recorded as a second (or third) note on the property. The note will be 100% forgiven five years from the date of sale. The note must be fully repaid if the home is sold within the five year period.

3. Additional benefits to buyers: HIP Grant

HIP Closing Assistance

Lot dimensions are such that providing 20' wide lots instead of the 17'-6" wide lots proposed, as required by Section 302.1, would result in the net loss of one row dwelling.

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

The proposed developments will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and proposed row dwellings will require no further relief. Care has been taken to evaluate surrounding property types and scale, along with adjacencies to attached row dwellings, multi-unit buildings, and public alleys, in order to request relief only where deemed most appropriate and least detrimental to adjacent properties.

We believe the proposed developments will not tend to affect adversely the Public Good, for reasons mentioned above, and due to the fact that it will bring six much needed Work Force Housing units to the neighborhood. 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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