

3421 1/2 M Street NW, Suite A Washington DC 20007

October 1, 2018

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, seek Area Variance for the subdivision of lots at such property, for construction of a two unit Workforce Housing Row Dwelling Development. Lots are located on the South side of West St SE, lots number 0043, 0044. Intent is to combine the lots and subdivide the larger lot into two individual lots of different dimensions in order to make them optimal for development and as compliant as possible with the Zoning Regulations.

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

Zone	Minimum Lot Width (ft.) for building type; applicable to all zones in left column	Minimum Lot Area (sq. ft.)
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).



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Relief sought from lot area requirements. Relief is sought from lot area and width at both lots proposed. Proposed easternmost end of row lot is 22'-6" wide (instead of the 30' required) by 104'-6" deep, and 2,351.25 sq ft instead of the required 3,000 sq ft minimum. Proposed westernmost lot is 17'-6" wide (instead of 20' required) by 104'-6" deep, and 1,828.75 sq ft instead of the required 2,000 sq ft.

Subtitle D Section 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 easternmost end of row lot, where property abuts an existing vacant 20' wide lot.

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 and attempts to respond to varying conditions along the block. Single family detached dwellings exist to the West, and undeveloped lots to the East.

We propose a side yard along the westernmost lot, as that side of the block consists of existing single family detached dwellings with side yards.

We propose eliminating the five foot side yard along the East end of the 17'-6" wide lot proposed, as the adjacent lot is only 20' wide and will likely have to be developed as an

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attached row house, or at best a semi-detached row house with a side yard on one side only. Side yards on both sides are not feasible in a 20' wide lot, therefore providing a side yard on my clients' adjoining lot would limit that property owner's ability to develop the lot in question without securing relief from the Board of Zoning Adjustments.

2. Practical Difficulty

Variance is also required due to the property owners' inability to meet specific DCHFA project goals under which project has been developed without said relief, as a certain number of dwelling units are required. 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

Providing 30' wide lots is not feasible, as existing lots are currently both 20' wide. Leaving the lot widths unaltered, instead of providing the 22'-6" and 17'-6" wide lots proposed, as required by Section 302.1, along with a five foot side yard setback at both ends of the row, as required in Section 307.4, would result in 15' wide row dwellings that would not meet the HIP program goals for providing quality Work Force Housing.

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. Our proposed widths are an attempt to comply with the Zoning Regulations as much as possible, by allowing the creation of a 5' side yard along the side of the development closest to single family detached properties, and eliminating it only where it abuts an existing narrow alley pre-conditioned for an attached row house development.

Care has been taken to evaluate surrounding property types, scale, and feasibility of development on adjacent lots, along with adjacencies to single-family detached dwellings versus narrow undeveloped lots, in order to request relief only where deemed most appropriate and least detrimental to adjacent properties.



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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 2 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,

Catarina Ferreira, AIA Principal, ARCHI-TEXTUAL, PLLC

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