

ALPHATEC_{PC}



April 30, 2024

Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, NW
Washington, DC 20001

RE: **Application for Variance Relief**
Burden of Proof

FEMS Fleet Maintenance Facility
6 DC Village Ln SW
Washington, DC 20032
(Square 6264, Lot 0804)

BZA Case Number: BZATmp3757
DOB Permit Application Number: B2400415

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the District of Columbia Department of General Services (the "Applicant"), the owner of the property located at 6 DC Village Ln., SW, Washington, DC 20032 (the "Property") in support of its application for arear variance relief, pursuant to 11 DCMR Subtitle X §100, from the requirement of Subtitle C §303.1:

- A. "All new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation, except that new Alley Record Lots shall instead comply with the rules of Subtitle C§306."

II. JURISIDICTION OF THE BOARD

The board of Zoning Adjustment (the "Board") has jurisdiction to grant the area relief requested here pursuant to 11 DCMR Subtitle X §1000.1.

III. BACKGROUND INFORMATION

- A. Description of the Property and Surrounding Area:

The project is located at 6 DC Village Lane SW (project permit address).

Specifically, the project is located immediately south of the WMATA Shepherd Parkway Bus Facility, immediately east of the Blue Plains Auto Impound Lot, and north of DC Village Lane.

Board of Zoning Adjustment
District of Columbia
CASE NO.21186
EXHIBIT NO.8

The project was originally located on Record Lot 1 / Tax Lot 802 in Square 6264. Tax Lot 804 has since been established for the project area in preparation of this lot being approved by BZA as a Theoretical Lot.

B. Description of Existing Condition and Proposed New Work:

Existing Conditions:

The site is currently developed with two one-story brick office/storage facilities, OSSE office trailers, a large asphalt OSSE bus parking lot on the west side of the site, a large vehicle parking lot on the east side of the site, lawn areas, and vehicle drives.

Proposed New Work:

The project includes development of the eastern portion of the site for an OSSE office building, OSSE bus & staff open-air parking garage structure, a fuel station, and associated site improvements.

The western portion of the site will be developed with the FEMS Maintenance Building, FEMS Logistics Warehouse, two vehicle storage buildings, pump test area with canopy, and associated site improvements.

IV. NATURE OF AREA VARIATION RELIEF SOUGHT AND STANDARD OF REVIEW

This project faces the same lot development issue with other developments in DC Village. DC Village is a DC-owned campus-style property with no public rights-of-ways or public access easements within its boundaries (Record Lot 1). The roadways are privately owned by DC. Therefore, areas interior to this Record Lot do not have a public street frontage, a requirement of a Record Lot.

DC DOB generally requires a Record Lot for a building development. Because this project does not have public street frontage, it cannot obtain a Record Lot.

DCSO allows a Tax Lot to be used for building development if approved by BZA as a Theoretical Lot. This process requires a Plat of Computation which has been prepared for this project. This approach was originally proposed by Matt LeGrant and later confirmed by Mamadou Ndaw at project meetings to discuss this issue. This BZA submittal is requesting creation of a Theoretical Lot for this development. Meeting minutes can be provided upon request.

Project's Compliance with Subtitle X §1002:

1002.1(a)

An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property;

Applicant's Proof: This BZA application includes the request to allow a developable lot for this development, similar to previous development in the DC Village campus. Inability to obtain a developable lot suitable for a DOB Building Permit will result in

peculiar and exceptional practical difficulties to the property owner, the District of Columbia, as it will not allow the property to be developed.

1002.1(b)

An applicant for a use variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.

Applicant's Proof: *This BZA application includes the request to allow a developable lot for this development, similar to previous development in the DC Village campus. Inability to obtain a developable lot suitable for a DOB Building Permit will result in exceptional and undue hardship to the property owner, the District of Columbia, as it will not allow the property to be developed.*

1002.2

The applicant for a variance shall have the burden of proof to justify the granting of the application according to these standards and shall demonstrate such through evidence in the public record. If no evidence is presented in opposition to the case, the applicant shall not be relieved of this responsibility.

Applicant's Proof: *Acknowledged. This BZA application includes the request to allow a developable lot for this development, similar to previous development in the DC Village campus. Inability to obtain a developable lot suitable for a DOB Building Permit will result in the property owner, the District of Columbia, not being able to develop the property as outlined in this application.*

Section A-301.3 requires a Record Lot for most development purposes, as per this excerpted portion of Section A-301.3:

Except as provided in the building lot control regulations for Residence Districts in Subtitle C and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Official Code § 9-101.05, a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record;

The project cannot obtain a DOB Building Permit with a Record Lot because the DC Village campus property has no interior public street or public access easements, and therefore this development cannot meet the Record Lot requirement of public street or public access easement frontage.

The DC Surveyors Office allows a Tax Lot to be used for building development if approved by BZA as a Theoretical Lot. This process requires a Plat of Computation which has been prepared for this project. This approach was originally proposed by

Matt LeGrant and later confirmed by Mamadou Ndaw at project meetings to discuss this issue. Meeting minutes can be provided upon request. This BZA submittal is requesting creation of a Theoretical Lot for this development.

Creation of a Theoretical Lot is being pursued as recommended by Matt LeGrant and Mamadou Ndaw.

V. CONCLUSION

For the reasons stated above, the project meets the applicable standards for variance relief under 11 DCMR. Accordingly, the applicant respectfully requests the Board grant the application.

Sincerely,

Alphatec, p.c.

A handwritten signature in blue ink, appearing to read "Spiro P. Gianniotis". The signature is fluid and cursive, with a large initial "S" and "P".

Spiro P. Gianniotis, Project Manager
AIA, NCARB, LEED AP BD+C, GPCP, GGP