

**DC Board of Zoning Adjustment (BZA)**  
**441 4th Street NW Suite 200 South**  
**Washington, DC 20001**

*Testimony in re: BZA Case Nos. 19450, 19451, 19452*  
By: DC for Reasonable Development, Chris Otten  
Date: March 1, 2017

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The Board of Zoning Adjustment is, "An independent quasi-judicial body empowered to grant relief from the strict application of the Zoning Regulations (variances), approve certain uses of land (special exceptions), and hear zoning appeals." DCMR 11-B100

With respect to variances, the Board of Zoning Adjustment has the power to grant variances "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." DCMR 11-X1000.1

Further, the Board of Zoning Adjustment is authorized to grant special exceptions, "where the special exceptions: (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) Will meet such special conditions as may be specified in this title." DCMR 11-X901.2

In BZA Case Nos. 19450, 19451, 19452, the Applicant, DC's Mayor and Department of General Services is seeking a multitude of variances and special exceptions.

DC for Reasonable Development and our participating members living in the surrounding communities will be have their personal, property, and community interests permanently harmed if these variances and special exceptions are granted. The biggest harm is the elimination of any predictable built environment for these affected communities as the variances and exceptions would allow significant relief in the form of height, density, rear yards, occupancy, and parking & traffic.

The bar for variances is higher than special exceptions, in that variances can be granted if the Applicant proves a hardship that warrants the blowout of the zoning development standards anticipated in the zoning regulations and on the Future Land Use Map (FLUM).

In these instant cases, there is no evidence that the city faces a serious hardship or burden in actually meeting the required zoning standards found in each community affected. That is, our members want shelters to be built for our homeless friends and families but not at the expense of the prevailing built environment of these largely residential or low-rise human scale mixed-use locations.

For if these variances are granted, then the precedent will be set for other nearby future

development, corporate or otherwise, to also to demand variances for height and density relief thus resulting in the defacto amending of the Zoning Map and Future Land Use Map.

Further, the Applicant rests its hardship on a false premise. DGS and the Mayor have postured that these proposed family shelters are so "desperately" needed to replace the "decrepit" DC General shelter, that variances must be given to green light these projects by any means.

The Applicant's premise for demanding these variances and exceptions is false and cannot serve as rationale for relief because:

1. DC General can be renovated and re-purposed to meet the needs of DC's homeless families and there is no evidence saying otherwise. If DC General was renovated, the citywide family shelter projects could go forward in line with the applicable zoning standards of the communities that will be impacted.
2. The cumulative citywide shelter project by which these cases arise demonstrate no net increase in beds to serve our homeless families. That is, we are getting the same number of beds out of these projects as we have now at DC General, therefore the request for relief is not meeting any especial city objective to actually meet the demand for more homeless beds as the numbers of homeless families skyrockets in DC. This gives the sense that this citywide family shelter project is born largely out of the motive to hand out political favors in the form of land and construction deals, not any genuine need or civic altruism to actually meet an emergency city need. *See footnotes.*
3. The family shelters as those proposed and now before the BZA actually provide less security and services than what is available now at DC General. Specifically, these family shelters do not have individual bathrooms to be used by families in their individual units. This puts serious pressure on mothers of children in the shelter to share bathrooms with strangers and will become a logistical nightmare for mothers with both boys and girls who have to use two different dormitory style bathrooms at the end of the hall.

The physical plant and state of DC General is at question, but yet no agency or elected official has been held to account for the neglect of this central public building, essentially resulting in the highly dubious and unethical demolition through neglect. Next on the agenda for DC General is privatization.

The Applicant has not shown that DC General cannot be renovated. The Applicant has not shown that some elusive burden has and continues to prevent the city from maintaining the physical plant of DC General in a clean and secure manner, and updated for modern temporary housing needs for our DC families who have hit hard times. If the BZA approves these variances and exceptions, Commissioners will perpetuate the lack of accountability of those who are the supposed caretakers of public buildings, and specifically that of DC General.

As such, the Applicant has not shown that the proposed family shelters in the instant cases cannot be built to the applicable standards within these communities in connection with the renovation of DC General.

There is absolutely no evidence whatsoever that serves as rationale to build these proposed shelters as tall, as dense, as deep, and as immense on their lots as that being requested. For it is not the

use of these new buildings as shelters that affects DC4RD members living in the surrounding communities, it is the harm to the prevailing heights and built character of the communities that is at imminent risk with the resultant real estate pressures which these approvals will bring as more and more applicants seek the same relief.

Further, from what we can tell, missing from the record are light and air studies, noise studies, emergency response time and access studies, impact studies on the existing public services and infrastructure currently serving these communities, or other data showing that the relief will not harm the public good.

For the above reasons, the applications should be modified to meet the applicable zoning standards as per the height and density requirements, lot occupancy requirements, rear yard requirements, and any other by right zone district standards. If these modifications will not be accepted by the Applicant then all applications should be denied.

Submitted on this day, March 1, 2017, on behalf of DC4RD members living in the surrounding communities of Wards 3, 5 & 6.

*/s/n Chris Otten*

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*Footnotes:*

- **There are now more homeless kids and parents in D.C. than homeless single adults**, May 11, 2016, Aaron Davis, Washington Post, <http://tinyurl.com/jr8w247>
- **D.C. Homelessness Doubles National Average as Living Costs Soar**, Jan. 1, 2017, By Noah Weiland, NY Times, <http://tinyurl.com/zc6fsx8>
- **D.C. Sees 14 Percent Spike In Homelessness in 2016**, Nov 17, 2016, Andrew Giambrone, Washington City Paper, <http://tinyurl.com/jedzhgm>