

**BOARD OF ZONING ADJUSTMENT  
VARIANCE APPLICATION**

Applicant’s Statement of Medici Road, Inc.  
919 47<sup>th</sup> Pl, NE (Square 5151, Lots 0105)

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

**I. INTRODUCTION AND NATURE OF RELIEF SOUGHT**

This Statement is submitted on behalf of Medici Road, Inc., owner of the property located at 919 47 Pl, NE (Square 5151, Lot 0105) (the “Subject Property”). The Subject Property is currently unimproved. The Applicant plans to subdivide the current forty-foot (40 ft.) lot into two twenty-foot (20 ft.) lots. The Applicant would then construct a new one-family, semi-detached dwelling on each Subject Property. The Subject Property is in the R-2 Zone. The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.

The Applicant will be opting into the IZ program for one of the properties. The Applicant is requesting a special exception for Subtitle C § 1002.2, pursuant to Subtitle C § 1001.2(e)(3) and Subtitle X § 900. The Applicant is applying the IZ minimum lot width and lot area. Each new property would measure 20 feet in width and 1,791 feet in lot area. Accordingly, the Applicant is requesting variance relief from the lot width and lot area requirements of Subtitle D § 302.1.

Subtitle D § 302.1 states: “Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

Zone	Minimum Lot Width (ft.) for building type; applicable to all zones in left column	Minimum Lot Area (sq. ft.)
R-2	40 (detached)	4,000 (detached)
	32 (IZ detached)	3,200 (IZ detached)
	30 (semi-detached)	3,000 (semi-detached)
	25 (IZ semi-detached)	2,500 (IZ semi-detached)
	40 (all other structures)	4,000 (all other structures)

Subtitle D § 206.3 states: “One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.” As each Property measures seventeen feet in width, the Applicant is proposing to provide three-foot (3 ft.) side yards.



Accordingly, the Applicant is requesting variance relief from the side yard requirements of Subtitle D § 206.3.

## II. BACKGROUND

### A. Description of the Property and Surrounding Area

The Subject Properties is in the Deanwood community; a R-2 Zone District. It is a rectangular lot with 3,582 square feet of land area. The Subject Property is currently unimproved. It is the only unimproved lot on the street. The applicant consents the Inclusive Zoning (IZ) exceptions and intends to subdivide the Property into two equal lots, and will comply with the zoning rules for subdivision set forth at 11 DCMR Subtitle D § 206 and D § 302.

The area is characterized by a mix of detached and semi-detached dwellings. The Applicant has included photos and maps of the surrounding area with this Application. Abutting the Subject Properties to the west is a detached dwelling. To the east are backyards of neighboring homes each with more than 20 ft of rear yard space. Abutting the Subject Properties to the north and south are 47<sup>th</sup> Pl, NE and a public alley, respectively.

It is supported by multiple educational facilities including H.D. Woodson High School, Kelly Miller Middle School, Burrville Elementary School, and Kipp DC.

### B. Proposed Project and Requested Relief

The Applicant is proposing to split the vacant lot into two equally sized lots and construct a new one-family semi-detached dwelling on each Subject Property. The applicant is opting into the IZ program on one of the units and will be selling to families at the 80% AMI level. The other home, while not IZ, will be sold as an affordable dwelling unit (ADU). Contingent on these variance approvals BZA, the Applicant will write into their contract with DHCD that this property will be sold to a family whose income does not exceed the 100% AMI level which is still below market rate.

As demonstrated by the plans, the units are designed to accommodate families. Each dwelling will have three (3) bedrooms, two and a half (2.5) bathrooms, and an open living room and kitchen area. Each home would be an Energy Star certified home. Additionally, each roof will be created as solar-ready to defray solar installation, and eventually, total electric costs. As each Subject Property is only seventeen feet in width, the Applicant is proposing a three-foot (5 ft.) side yard on each Subject Property. This will provide enough living space while keeping a respectful distance from the adjacent buildings to the east and the west. Those buildings are also further separated by side and rear yards. The Subject Property butts against a public alley to the South and 47<sup>th</sup> Pl NE to the north.

## III. THE APPLICATION SATISFIES THE STANDARD FOR SPECIAL EXCEPTION



## A. HARMONY WITH THE INTENT OF THE ZONING REGULATIONS AND MAP

The two proposed units are filling in the only vacant lot on this street with new housing. The proposed new semi-detached homes are permitted in a R-2 zone. They satisfy density and most other area zoning requirements. It also would add an IZ unit under the newest zoning regulations.

## B. AFFECT ON NEIGHBORING PROPERTY

Neighboring property should not be adversely affected as all proposed building would conform to zoning requirements except side yard for which a variance is being requested. Therefore, light and air to abutting neighbors would be maintained. Additionally, parking that is consistent with zoning will be provided.

## IV. THE APPLICATION SATISFIES THE STANDARD FOR VARIANCE RELIEF

The burden of proof for an area variance is established. The Applicant has established the burden of proof for an area variance by demonstrating: (1) Exceptional Situation Resulting in a Practical Difficulty; (2) No Substantial Detriment to the Public Good; and (3) No Substantial Harm to the Zoning Regulations.

### A. Exceptional Situation Resulting in a Practical Difficulty

The Applicant purchased the existing lot under the Mayor Bowser's Vacant to Vibrant program. A key component of that program is a 15-year covenant that caps resale value. Market rate homebuyers will not purchase a home with that covenant when there are similar homes nearby without the covenant. This restrictive covenant creates a financial hardship in selling a market rate home. Building one home on the existing lot would remove the ability to opt-in to the IZ program and require attempts to sell at market rate with this restrictive covenant.

The Applicant could execute a theoretical subdivide, and conform to all of the zoning laws, but an eight ft (8 ft) side yard only allows for a 12 ft home. This would not provide adequate living space. Therefore, the Applicant is proposing to subdivide the lots into two 20 ft homes with a three ft (3 ft) side yard.

### B. No Substantial Detriment to the Public Good

Granting the relief would allow for development on an infill lot within a fully developed neighborhood. One of the Subject Properties would cast a shadow on the adjacent building to the west, but not substantially more than a conforming building. The Subject Properties would therefore not cause undue shadow on adjacent properties or greatly impact airflow. The adjacent building to the west does have windows on its side façade. The Subject Properties would also have windows on the side façade but would be staggered to maintain the privacy of both residents of both buildings. Therefore, there will be no direct views into either property.

Additionally, we will provide one car parking at the rear of each proposed structure and thus will not cause any incremental burden on street parking.



## C. No Substantial Harm to the Zoning Regulations.

Granting the requested variance would allow an infill development which would be like existing residences within the square and neighborhood, a use permitted as a matter-of-right within the R-2 zone. All homes on the same side of the block have at least one (1) side yard that is three feet (3 ft) or less. The Regulations are also intended to protect nearby properties, but as stated above, the proposed construction would not have an undue impact on properties adjacent to the site. Granting the requested relief would therefore not impair the intent of the Regulations.

## IV. CONCLUSION

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the variance relief as detailed above.



Thomas E. Houston, III

Medici Road

Date: May 14, 2019

