

CHRIS FRENCH

929 5TH ST SE

August 30, 2013

Mr. Richard Nero
Deputy Director of Operations
District of Columbia Office of Zoning
441 4th St NW, Suite 200S
Washington, DC 20001

Re Zoning variance application no. 18566
ADDENDUM: Response to Office of Planning Memorandum dated June 4, 2013

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Dear Mr. Nero,

Enclosed please find our final presentation in preparation for the September 10, 2013 BZA hearing regarding application no. 18566. For the reasons noted below, we request that our original proposal be re-considered by the Board for approval

Background

As you may remember, at the BZA hearing on June 11 of this year, the Board directed us to meet with the Office of Planning to try to find a solution that would allow us to build the full addition that we have proposed. One of the suggestions from the Board was that the Office of Planning may be able to assist us in re-zoning the property from R-5-B to R-4 or a similar zone more suitable to rowhouse scale residences

Meeting and OP Findings

OP staff reviewed our application, and I met with Joel Lawson and Brandice Elliott on June 27 to discuss options. It is my understanding that they were in agreement with the logic of our position that the R-5-B zone for our lot is no longer in harmony with the surrounding context which has been re-developed under the Capper Carrollsburg PUD, and that our lot in an R-5-B zone appear to be prohibitively difficult to re-develop into an R-5-B-compliant multi-family property due to its shallow lot depth. However, on technical grounds, they came to the following conclusions.

- 1) Their position on our current plan if the zoning remains R-5-B (with its FAR restrictions) remains unchanged. Specifically, they.
 - a) Support exceptions to existing lot occupancy, rear yard setback and side yard non-conformances
 - b) Extend their support of the existing non-conformances to include the footprint of the additional floor, that is, they will not require the addition to conform to rear

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18566

EXHIBIT NO. 34

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18566
EXHIBIT NO. 34

yard and side court setbacks as long as the addition stays within the existing building footprint.

c) Do not support an increase in FAR.

2) The Office of Planning supports in principle the switch from R-5-B to R-4, and confirmed that they would support the necessary exceptions to existing conditions that we would still need in order to build our preferred plan if the zoning were changed. However,

- a) They confirmed that there is no expedited path to complete a map amendment, and estimate that the process to re-zone would take approximately 8-12 months, after which we would need to re-start the BZA process before we could submit for building permits
- b) In this case, there is no mechanism for the OP to initiate the process. Although the R-5-B zone is in conflict with its surrounding neighborhood, and the existing lot depth is too shallow to build to R-5-B standards, they said that they can only initiate the process if the zone is directly in conflict with the Comprehensive Plan. In this case the R-5-B zone itself is in compliance with the Comprehensive Plan requirement for "medium density housing" for our area.
- c) The OP proposed that we might build a smaller addition now and then file for a map amendment and then expand the addition after the lot is re-zoned. However, the cost to build and then re-build makes this an impossible option for us.
- d) There is no guarantee now that if we went through the expense and effort to complete the re-zoning the ANC, OP, and BZA would still approve of the existing conditions exceptions that have been supported up to this point.

The above constraints take the option of re-zoning the lot from R-5-B to a more appropriate zone off the table. We don't have the financial resources ourselves to re-zone the lot (estimated by one attorney in the tens of thousands of dollars), nor would it make financial sense to spend that amount of money for a small renovation of this scale. Further, since our family has already out-grown the size of the home as it is, we don't feel that we can spend what could amount to an additional year and a half before we could even submit for a building permit.

Mr. Lawson and Ms. Elliott re-iterated that our request to increase the FAR to 2.0 from the current limit of 1.8 is the only request we have made in the application that they feel unable to support given the current zoning.

Alternative Solutions

We have explored in depth two possible alternative solutions to the problem of having a home of adequate size while at the same time staying in this neighborhood that we love.

1) Possible solution 1 - Find a larger home. We made an exhaustive search of the Capitol Riverfront neighborhood (from South Capitol Street to the 11th Street Bridge, and from I-695 south to the Anacostia River), and were unable to find an affordable 3-bedroom alternative that would meet our family's needs.

- a) 211 out of the approximately 250 total homeownership rowhouses in Capitol Riverfront are brand new construction within the Capper Carrollsburg PUD. Although 91 of those homes were originally designated "workforce housing," the

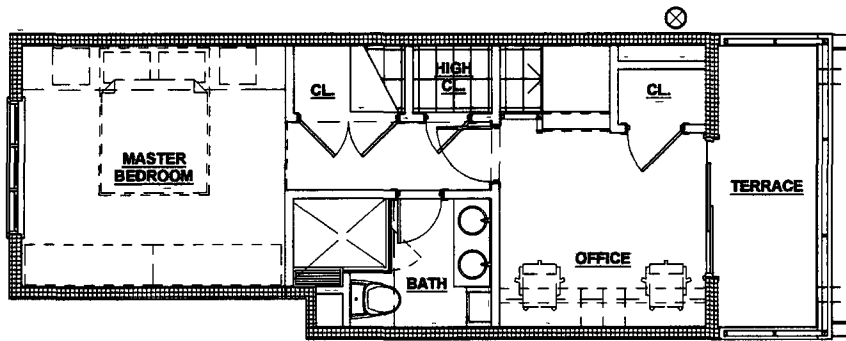
mechanism used to guarantee affordability was a subsidized loan from the City, the properties were not deemed affordable. The homes that were originally sold as workforce are now being re-sold at market rate, with the subsidized loans repaid to the city at closing. These homes are larger than what we propose, and include additional amenities such as an off-street garage that price them out of our reach

- b) Of the remaining approximately 40 rowhouses, all built pre-1920, we found only two that were configured 3-bedroom and large enough to meet our needs. These are the homes located at 1018 and 1020 5th Street SE. We spoke with the owner - who owns both properties - and he said that he will not sell either property. (Some other pre-1920 homes are described as 3-bedroom, but those homes are unimproved and the bedrooms and bathrooms are typically too small to meet modern needs. In almost all of these, the third bedroom lacks code-required features such as a closet and in some cases even a window.)

2) Possible solution 2 - Build a smaller addition, within the FAR limits. Knowing that this might be our only remaining option if an exception to the FAR restriction is not granted, we have spent many hours attempting to design an addition that might meet our needs and still fall within the 1.8 FAR. A basement option was considered but quickly ruled out due to the cost to excavate and underpin the foundations and party walls. We've included a copy of what we feel is the best possible design. While efficient, this still does not meet our needs.

- a) The space that would be the bedroom is too small, and is open to the floor below at the staircase and not private. Adding a door would require an additional 9 square feet of landing space, encroaching into the already-constricted space.
- b) The addition does not provide any space for a home office nook - critical to us since both of us regularly work from home, and a basic amenity in most contemporary homes.
- c) We have had both versions priced by DC-licensed residential general contractors, and found that there is little cost difference between the smaller version and the preferred version. Although our preferred option has more enclosed space, many of the main cost drivers (including general conditions, project management fees, demolition, plumbing, HVAC, bathroom fixtures and finishes, roofing, stairs, etc.) are identical in both. Current estimates show the cost of the preferred option as approx. \$160,000, or \$325/SF of addition, and the cost of the smaller option coming in at approx. \$140,000, or a staggering \$490/SF of addition.
- d) There's little difference in terms of impact on the aesthetics of the block or neighborhood between the smaller version and our preferred version: both are a third-story addition, set back from the street, using the same materials and finishes.
- e) There is no difference in residential population density between the smaller version and our preferred version.

Given the Office of Planning's position on re-zoning and the hardships noted above, we feel that our only option is to re-submit our original proposal, providing the following additional supporting information we have assembled since the BZA hearing on June 11. The following page shows a comparison of the two third floor concepts.



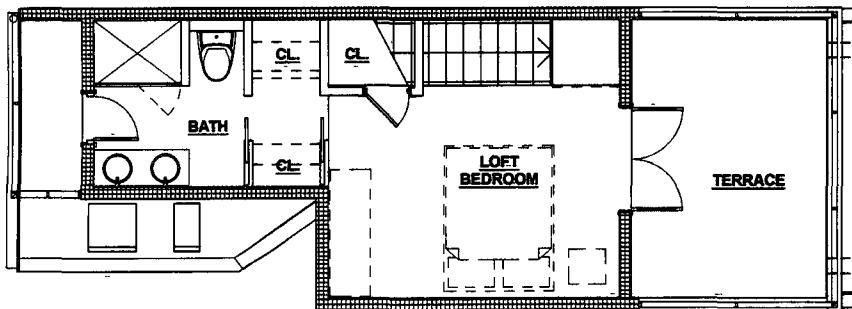
PROJECT SUMMARY - OPTION A

ADDITION AREA (GSF) 421 GSF
 TOTAL AREA (GSF) 1,391 GSF
 LOT AREA 698 SF
 MAX FAR 1.8
 PROPOSED FAR 2.0

ANTICIPATED CONST COST \$160,000
 CONST COST / ADDITION AREA \$325/GSF

USABLE FLOOR AREAS BY FUNCTION

BEDROOM	131 SF	38%
BATH	48 SF	14%
OFFICE	82 SF	23%
STORAGE	26 SF	7%
CIRCULATION	61 SF	17%
CHASE	5 SF	1%
TOTAL USABLE AREA	351 SF	100%



PROJECT SUMMARY - OPTION B

ADDITION AREA (GSF) 286 GSF
 TOTAL AREA (GSF) 1,256 GSF
 LOT AREA 698 SF
 MAX FAR 1.8
 PROPOSED FAR 1.8

ANTICIPATED CONST COST \$140,000
 CONST COST / ADDITION AREA \$490/GSF

FLOOR AREA RATIOS BY FUNCTION

LOFT BEDROOM	123 SF	50%
BATH	52 SF	21%
OFFICE	0 SF	0%
STORAGE	22 SF	9%
CIRCULATION	48 SF	20%
CHASE	0 SF	0%
TOTAL USABLE AREA	245 SF	100%

OUR REQUEST

We request approval of the full build-out as submitted in the original proposal. For the reasons noted below, we believe that this project meets the tests of exceptional situation, exceptional practical difficulties, and no detriment to the neighborhood or Comprehensive Plan

Exceptional Situation

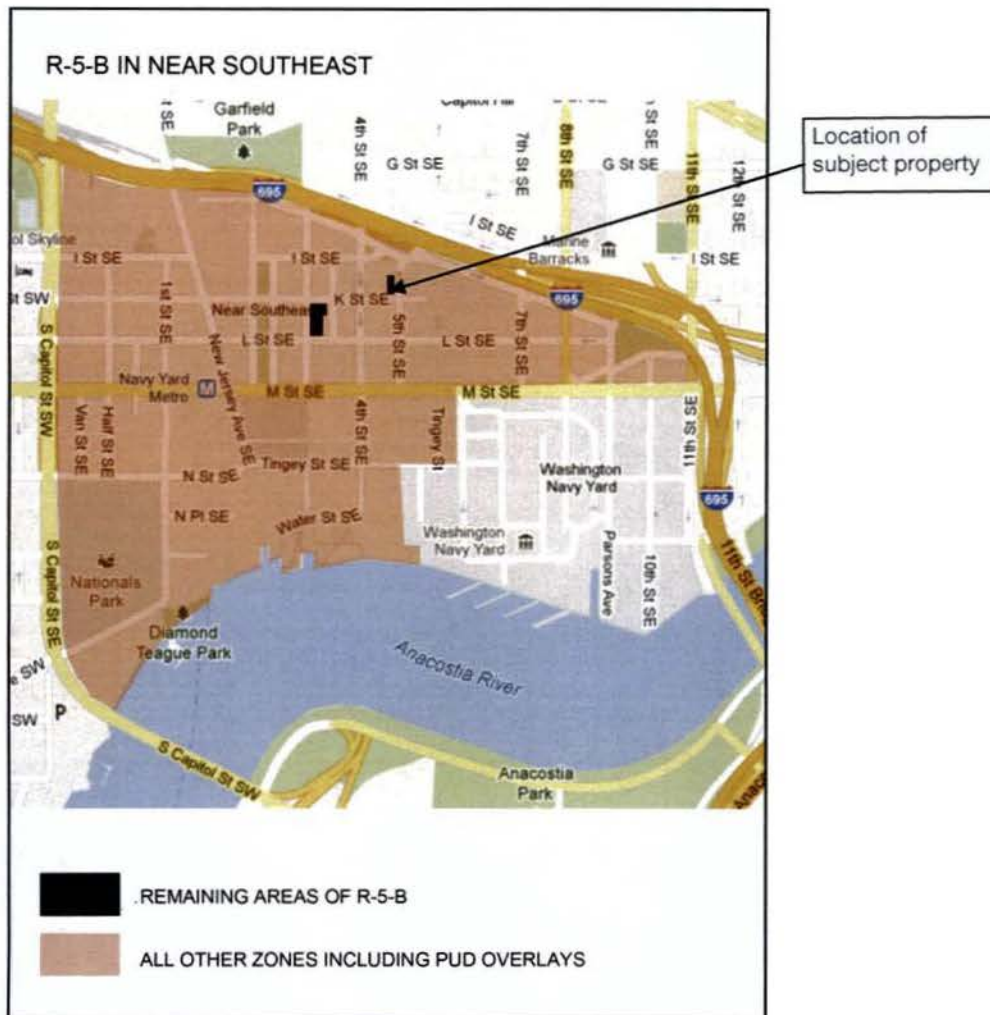
When I was researching the regulations for the earlier hearing, I believe I may have misinterpreted the guidance for consideration for variance under Section 3103. I took "exceptional" to mean "unique," as in "the sole example." But in looking up the definition of "exceptional," I found rare, unusual, or extraordinary, but not the sole example. This matters in particular on our block, which has several lots with exceptional situations that might be considered unique if scattered across the city but which are equally exceptional as individual lots whether scattered or adjacent to one another. For the purposes of this application we are only presenting the exceptional characteristics of our lot.

To us, the exceptionality in this case is that the lot is both exceptionally narrow and exceptionally shallow, combined with the fact that it is a rowhouse (which typically would not have any FAR restrictions) in a zone designed for multi-family on large lots. Many lots in the city may be exceptionally narrow (and at a little over 13 1/2 feet ours is one of the narrowest). Many may be shallow. But to be both exceptionally narrow and exceptionally shallow in one lot, combined with an FAR restriction not typically applied to rowhouse development, makes our case exceptional.

Peculiar and Exceptional Practical Difficulties

Our property falls within three "donut holes" which, in combination, create an exceptional situation that we believe qualifies these properties for consideration for zoning variance. Take away any one of these conditions and other viable options may have been available to us, but the fact that we are burdened by all three creates an exceptional situation for these lots.

The following pages provide additional detail.



Donut hole no. 1: Existing zoning

Within the Near Southeast neighborhood, the R-5-B zone has been eroded so much as to have become an anomaly, rather than a definition of part of the fabric of the neighborhood.

1a. Of the 330 acres within Near Southeast, our lot falls within the only 0.73 acres, or about 0.2%, of the total land area that remains R-5-B after decades of evolution including most recently the major Capper/Carrollburg PUD.

1b. R-5-B has an FAR limit of 1.8. The rowhouse zone R-4 has no FAR limit. One zone higher, R-5-C, has an FAR limit of 3.0. The exceptional narrowness and shallowness of the lot at the time

1c. Although the lot is zoned for higher density than typical rowhome development, the shallow lot depth of 51' makes it impractical if not impossible to build to the R-5-B multi-family standard, even if the remaining R-5-B lots on the block were consolidated.



Subject property

Donut hole no. 2: Surrounding neighborhood context

The property is in a geographic donut hole, physically surrounded on all sides by larger rowhouses and higher-density multi-family development. The 2-story house is dwarfed on its block by the wider, taller 4-story rowhouses all around it, as shown in the

Donut hole no. 3: Economic exclusion

3a. Size gap: As mentioned above, nearly 85% of the fee simple homes in Near Southeast are part of Capitol Quarter. These homes are 40% to 70% larger than the remaining housing stock. This size gap leaves a significant hole in available housing suitable for small families; The houses that families can afford are too small, and conversely the remaining houses are too big to be affordable.

3b. Age gap: The Capitol Quarter rowhomes were completed in the past 4 years. The remaining rowhouses were built in the late 19th and early 20th century, long before the

implementation of zoning regulations and at a time when the basic needs of families were much different than they are today. No existing homes were completed between approx 1920 and 2009, leaving a 90 year hole - including the decades of the 1950's through the 1980's when homes evolved modern standards for room sizes and storage.

3c Variety gap: Including neighboring homeownership and rental units, our house sits amid over 300 nearly identical new rowhouses that make up Capitol Quarter. Further, with HOA restrictions these homes will not be allowed to diversify and gain interest over time (even the paint colors are from a pre-approved palette), creating a neighborhood homogeneity at a scale unlike any other in the city. In that context, it is critical that the few remaining buildings in the neighborhood be encouraged to build character and the kind of variety and economic niche-filling that is one of the main attractions of city living.

No Detriment to the Public Good or to the Integrity of the Comprehensive Plan

The addition we propose complies with the Comprehensive Plan requirement for moderate-density residential housing. The FAR requirement for which we are requesting relief does not typically apply to rowhouse zoning districts, and because of the exceptional shallowness of the lot, higher-density development than rowhouses cannot easily be built on our lot or block even if allowed by the R-5-B zoning. The rest of the block that is not zoned R-5-B is built out to 3- and 4-story rowhouses much larger than the home we propose, further reinforcing our belief that the addition we propose poses no detriment.

We sincerely thank you and the Board for the opportunity to present our case, and for the thoughtful attention that the Board has paid to date on this modest project. While we will of course accept whatever final decision that the board may make, including restricting to the smaller floor area, we feel that the full addition that we are proposing is well within community norms, is in harmony with the Comprehensive Plan, and meets the basic tests under the guidance for variance.

Sincerely,



Chris French
929 5th Street, SE

Encl.. List of Supporters in the Neighborhood

BZA Application #18566 Supporters

	Address	Name (Type of Support)
1	802 3rd St SE	Todd Bell (Petition)
2	812 3rd St SE	Joseph Sarachene and Aida Sarachene
3	924 3rd Pl SE	Anne Jardine (Letter, ANC Meeting, Petition)
4	909 4th St SE	Meredith Fascett and Jonathan Janos (Petition)
5	914 4th St SE	Antonio Rios (Petition)
6	920 4th St SE	Beth Leonard (Letter, Petition)
7	926 4th St SE	Albert Epps and Holli Baker (Petition)
8	909 5th St SE	Claiborne Walton and Monta Walton (Letter, ANC Meeting)
9	911 5th St SE	Michael Hess and Angelina Keating (Letter, Petition)
10	927 5th St SE	Aaron Lorenzo (Letter, ANC Meeting, BZA Hearing)
11	931 5th St SE	Lexer Quamie (Letter, ANC Meeting)
12	933 5th St SE	Sean Massie (Letter, ANC Meeting)
13	1029 5th St SE	Carey Dougan (Petition)
14	312 I St SE	Brent W Johnson (Petition)
15	314 I St SE	Dave McNeely (Petition)
16	318 I St SE	Laura Salmon (Letter, ANC Meeting, HOA Meeting, Petition)
17	328 I St SE	Brian Huseman (Letter, HOA Meeting, Petition)
18	413 I St SE	Meredith Baker (Petition)
19	417 I St SE	Dale E Owen (Petition)
20	311 K St SE	Jack Lester and Stephanie Lester (Letter)
21	407 K St SE	Bradley Goodrich and Tristan Goodrich (Petition)
22	414 K St SE	Nicholas Abramczyk (Petition)
23	416 K St SE	Bryan Anschuetz (Petition)
24	306 L St SE	Anna J Thompson (Petition)
25	408 L St SE	Joseph LeBlanc and Kyung LeBlanc (Petition)
26	311 Virginia Ave SE	Brent Jackson (Petition)
27	333 Virginia Ave SE	Jonathan Malpass (Petition)
28		Chris VanArsdale (Letter), Developer, Canal Park