Law Offices
STEPHEN N. GELL
A Professional Corporation

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October 29, 2004

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: 2512 I Street, N.W. (Square 17, Lot 35)
Application for Special Exception

Dear Mr. Griffis:

Enclosed is a revised application and Revised Statement of Justification in the subject case BZA No. 17204, plans, survey plat, and pictures of the subject building.

The witnesses will be the owner, Richard Donnell, and Meg Clarke, AIA, whom we will be offering as an expert witness in architectural design.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

Enclosures
cc: Richard Donnell
Dorothy Miller
Maria Tyler
Paul Falon, Esq.

BZA
Case No. 17204
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO. 17204
EXHIBIT NO. 41

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 17204

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

REVISED **APPLICATION**

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
2512 I ST NW	17	35	FB/R-3	SPECIAL EX.	223.1

Present use(s) of Property:	Single Family Townhouse
Proposed use(s) of Property:	Same
Owner of Property:	Richard + Christina Donnell **Telephone No.:**
Address of Owner:	2512 I ST. NW WDC 20037

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice: Special exception under § 223.1 to eliminat the rear yard

Estimated construction cost	$250,000	**Advisory Neighborhood Commission & Single-Member District(s)**	2A03
Date:	Oct. 29, 2004	**Signature:**	STEPHEN N. GELL Applicant* Stephen N. Gell

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	STEPHEN N. GELL				
Address:	5th FL 1101 30th ST. N.W. WDC 20007				
Phone No.:	202-625-8311	**Fax No.:**	703-522-5503	**E-Mail:**	SGELL@HIS.COM

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

BZA Certification Form 1 (Revised 03/30/00)

ZONING SELF-CERTIFICATION FORM

Project Address(es)			
2512 Eye St, NW			
Square 17	**Lot(s)** 35	**Zone District(s)** FB / R13	**Case No.**

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

☐	Use Variance DCMR 3103	☒	Area Variance DCMR 3103	☐	Special Exception DCMR 3104

which is provided for by DCMR Title 11 Section No(s).:

Pursuant to 11 DCMR 3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia;
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
Richard S. Donnell	Richard S. Donnell
Agent's Signature	**Agent's Name (Please Print)**
Margaret E. Clarke	Margaret E. Clarke

D.C. Bar No.		or	Architect Registration No.	MD8789

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 3113.2)

Based upon review of the application and self-certification, this application is:

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 - 3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____
Date	**Signature**

Slide 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on BZA Certification Form 1. All certification forms must be completely filled out (front and back) and be typewritten or legibly printed. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form per each application filed. Present this form with the BZA Form 2 application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING	REQUIRED	ALLOWED	PROVIDED	VARIANCE (Deficiency/Percent)
Lot Area	1,362.5 ☐.	2,000 ☐	—	—	—
Lot Width	13.625'	20'	—	—	—
Lot Occupancy	47%		60%	60%	
Floor Area Ratio (FAR)	—	—	—	—	—
Parking Spaces	1	1		1	
Loading Berths	—	—	—	—	—
Front Yard	25'	0	—	25'	
Rear Yard	22.6'	20'		0	100%
Side Yard	0	0	0	0	—
Court, Open	—	—	—	—	—
Court, Closed	—	—	—	—	—
HEIGHT	20.5' . 2 stories		40' . 3 stories	35' . 3 stories	

REVISED STATEMENT OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION TO THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FOR SPECIAL EXCEPTION

PURSUANT TO SECTIONS 223.1 and 3104.1 OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

2512 I Street, N.W.

(SQUARE 17, LOT 35)

BZA Case No. 17204

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Pictures of the site

INTRODUCTION

This is a Revised Statement of Explanation and Reasons supporting the application of Richard and Christina Donnell, (hereinafter "Applicants") who wish to build a two-story addition in the FB/R-3 Zone District. In the original application, the applicant had asked for variances from Sections 403.2, and 404.1 of the Zoning Regulations to provide for 75% lot occupancy and to permit the garage to cover the rear yard. Following meetings with neighbors, principally the next door neighbor to the West, the plans were revised to reduce the size of the structure. Accordingly, lot occupancy has been brought down to 60% which is permitted as a matter of right. However, a special exception is still needed under Section 223.1 to replace a carport with a garage, which will fill the area of the rear yard.

The building, a pre-1958 structure, was expanded in the 1960's to add an accessory carport approximately 10 feet wide extending to the rear lot line. The ceiling of the garage, which will replace the carport, will cover the full width of the lot. Since it is less than 4 feet above grade at the front of the house, it is not counted in lot occupancy. It does, however, as indicated above, result in a negligible rear yard.

DESCRIPTION OF THE APPLICANTS

Mr. and Mrs. Donnell purchased this house a little over a year ago from Melita Rodick, an architect who lived nearby until recently when she moved to a nursing home. They lived in Foggy Bottom for 4 years before purchasing their home. They have an 8 month old son and plan to expand their family. They have been living in the house since the purchase and are anxious to begin the renovation and expansion.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is located at 2512 I Street, N.W., Square 17, Lot 35. It is a two-story single family dwelling with a cellar level carport accessed by an alley. There had been little maintenance on the property while it was rented to waves of students. Ms. Rodick owned it since the 1960's and lived in a home nearby. Extensive renovation needs to be performed such as replacing the electrical, mechanical, and plumbing systems. The house had been divided into two apartments using cinderblock walls and steel doors, and the individual units on each floor were further subdivided into separate rooms. There are numerous water problems: leakage in the roof, ceilings, walls, windows, and skylights.

The Donnells plan to renovate the structure completely as a single family home. Where possible, they plan to preserve historical features inside, including the original wood flooring, and exposing original fireplaces and brick walls which were covered up when the house was balkanized.

B. Area Surrounding the Property

The Property is on the South side of I Street, N.W. It is the end unit of a row of 8 houses in the Federal style. The neighborhood is mostly residential with a mix of single family and multifamily dwellings. It is in the FB/R-3 zone but surrounded by R-5-E and R-5-B, in addition to the Watergate complex PUD. The adjacent lot is cleared and it is not unreasonable to assume construction of a single family dwelling in the future.

C. Zoning History and U[redacted]History

The area is zoned FB/R-3. The property is subject to the Zoning regulations generally applicable to buildings in the R-3 Zone District. The house was built as a single family dwelling but has been used to house groups of GW students for many years. The architect who has owned the property since the 60's lived in another house nearby and rented the property to successive waves of students.

REASONS IN SUPPORT OF THE APPLICATION FOR A SPECIAL EXCEPTION

A. Compliance with D.C. Zoning Regulations, specifically §1523.1

11 DCMR §1523.1 forbids additions, replacements, or expansions of a building "unless in conformance with the requirements of the underlying R-3 District." A special exception is a permitted use that can only be exercized if approved by the BZA. Since the jurisdiction of the BZA in granting such relief is largely limited to questions of impact on neighboring properties, we contend that grant of a special exception is still in conformance with the underlying restrictions. It could even be argued that §1523.1 would not prevent a variance from occurring in Foggy Bottom. Variances are constitutionally mandated to prevent unconstitutional takings under the fifth or fourteenth amendments. Moreover, since the Overlay Zone does not expressly abrogate the variance procedure, it should be read to incorporate it.

B. No Adverse Effects

Neighbors are supportive of the change requested here. Eight close neighbors including the next door neighbor, who is most affected by the new addition, have signed petitions or agreements approving the expansion to a third story and in the rear. In addition, because the adjacent houses are larger and have considerably more lot area than the subject, impact on them is anticipated to be minimal if at all. Finally, construction of this addition will not result in a loss of green space. In the early 60's the entire rear yard was paved in cement to create a carport bordered by five and eight foot retaining walls.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

This single family house fulfills the objectives of the R-3 District. The Foggy Bottom Overlay District regulations (11 DCMR §1521) call for a scale of development consistent with (1) moderate density development and (2) preservation of "[t]he characteristics of the low scale harmony of rhythmic townhouses of a purely residential neighborhood that formed the basis on which the area was designated a historic district." §1521.3 (2) (a).

The overlay regulations also seek to "Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978... and preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area..." What is planned is a modest increase in height to a third story less intrusive than the third story of the adjoining house and not visible from the street. The rear expansion will be coextensive with the adjoining building.

Finally, the overlay district is intended to "(c) Enhance the residential character of the area by maintaining existing residential uses." §1521.3 (c)

While the Donnell residence has always been designated a single family residence, its most recent use, prior to purchase by the applicant, had been rental to groups of GW students. The interior had been altered to allow for several private living spaces, much like a rooming house or dormitory. The Comprehensive Plan for the National Capital Area, as amended February 19, 1999, notes a concern about,

> Conversion of housing units...to transient use...to university dormitories and offices, and to medical offices/clinics is a major cause of the depletion of the housing stock. §1325.3

The Comprehensive Plan also seeks to "protect residential neighborhoods from disruptive uses." §1102.1(e) and to "Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses." 1104.1 (a) The Donnells have lived in Foggy Bottom for 5 years and have every intention of remaining a long time.

B. Historic Preservation

Section 1319.19(b) of the Comprehensive Plan calls on the District "to preserve and reuse historic landmarks and buildings in historic areas in Ward 2." There are numerous other exhortations in the Comprehensive Plan to preserve the historic character of designated neighborhoods, all of which are faithfully fulfilled by the Donnell's renovation and addition plans.

CONCLUSION

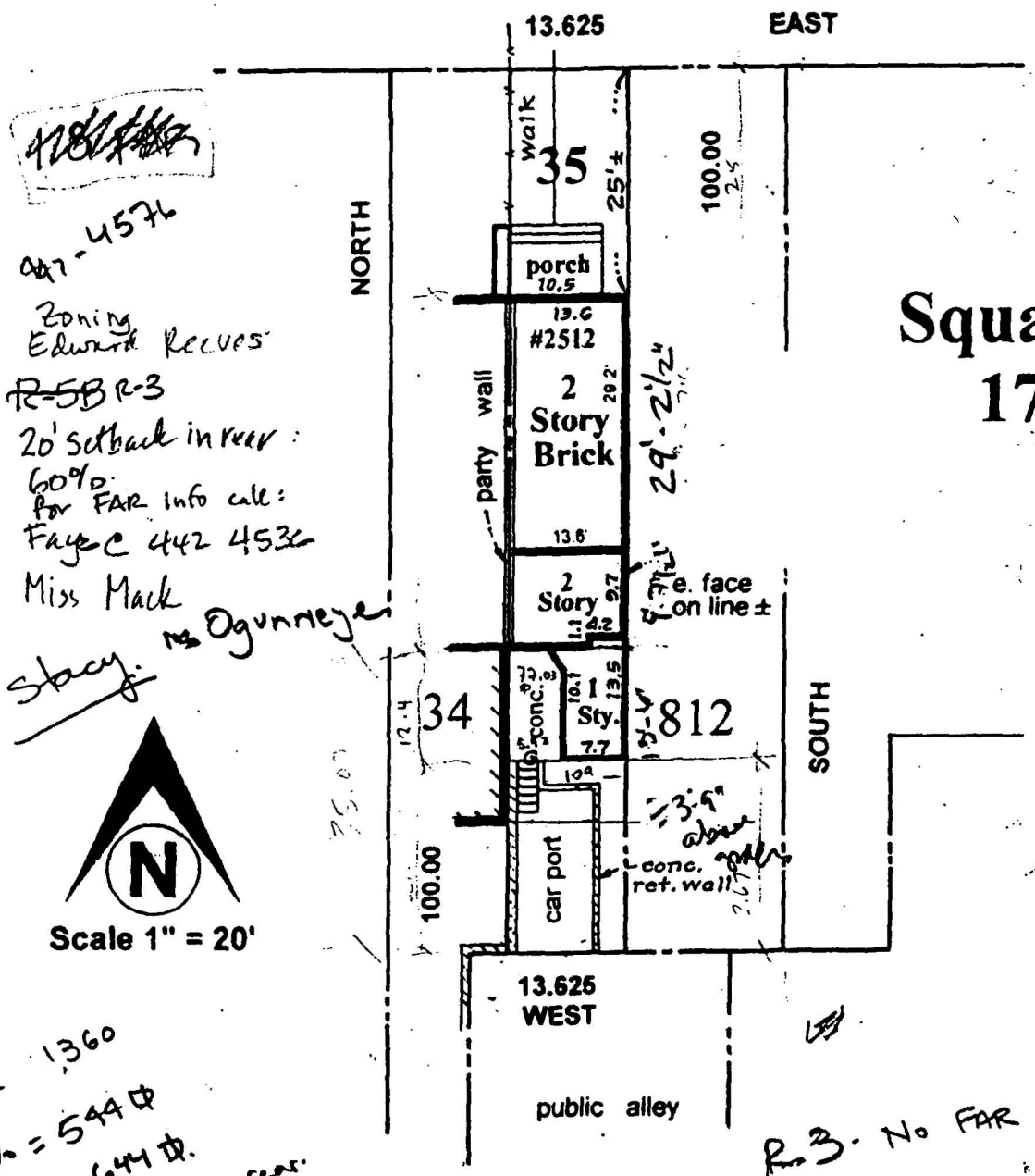
The Applicants should be granted a special exception to construct the addition described above. Such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,

Stephen N. Gell, Esq.

LANDTECH ASSOCIATES, INC.
7807 BALTIMORE AVENUE SUITE 214
COLLEGE PARK, MARYLAND 20740

"I" Street, N.W.



Square: 17

Scale 1" = 20'

Zoning
Edward Reeves
R-5B R-3
20' setback in rear
60% for FAR info call:
Faye C 442 4532
Miss Mack
Ms Ogunneye
Stacy

Total 1360
40% = 544 ft.
existing 644 ft.
R - 20' from rear.

R-3. No FAR
40%



1) View of 2512 Eye Street NW looking southwest.

Donnell Residence
2512 Eye Street, NW
Washington, DC 20037

Clarke Architecture, PLLC
1791 Crestwood Drive, NW
Washington, DC 20011







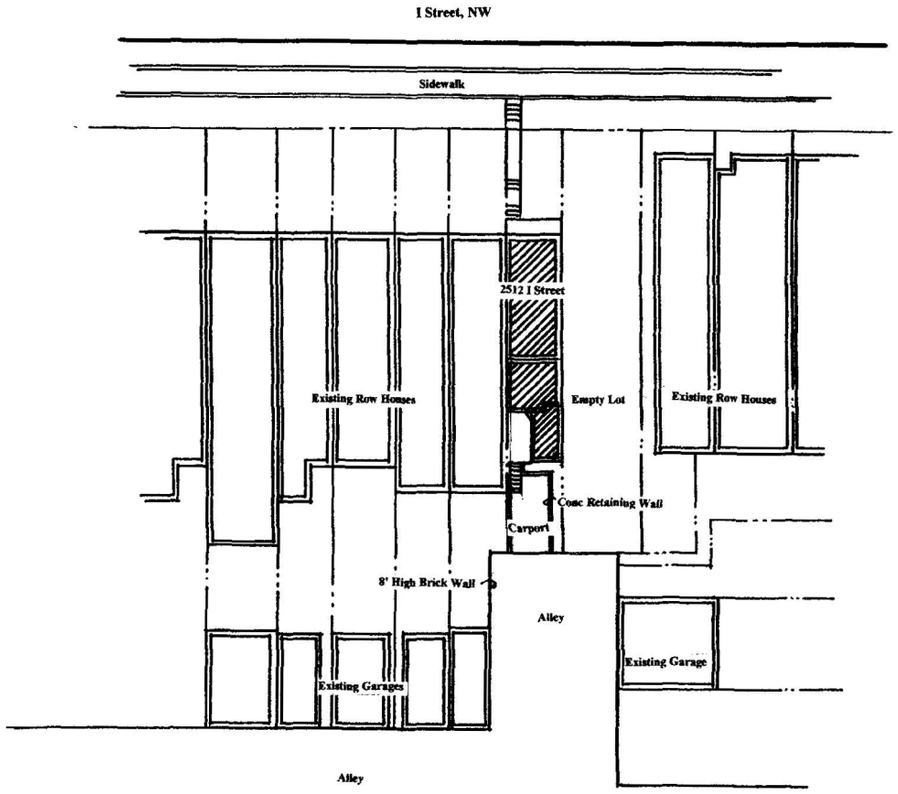
1) View of 2512 Eye Street NW looking southwest.

Donnell Residence
2512 Eye Street, NW
Washington, DC 20037

Clarke Architecture, PLLC
1791 Crestwood Drive, NW
Washington, DC 20011







EXISTING SITE PLAN

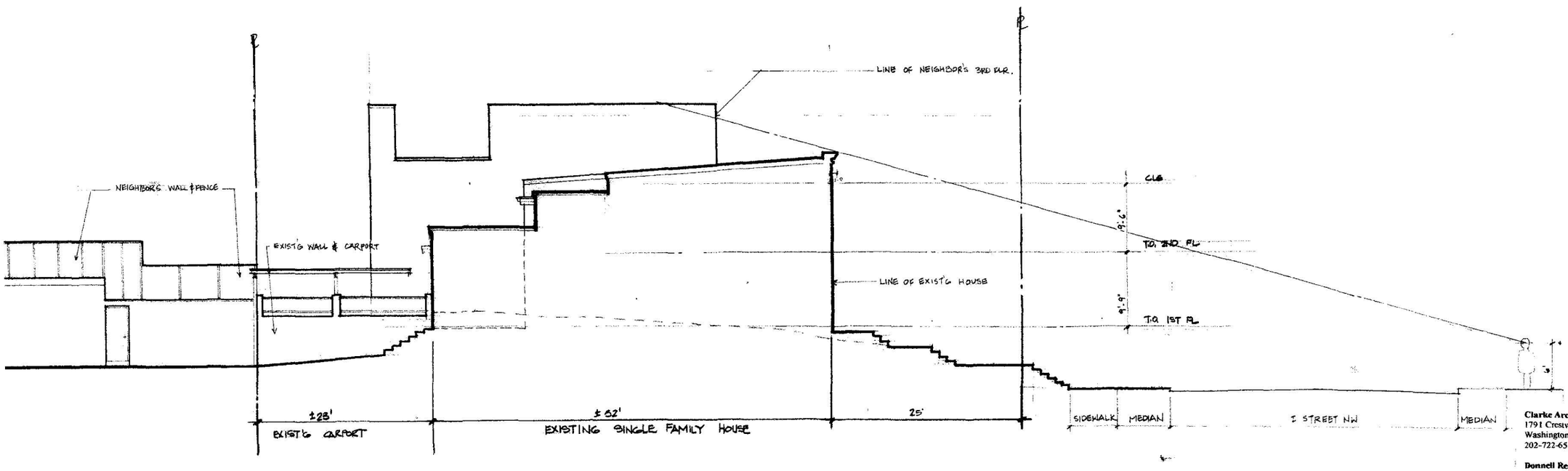
1" = 20'

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202-722-6552

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Sheet 1

Date 9.14.04



EXISTING SITE SECTION INCLUDING SILHOUETTE OF ADJACENT PROPERTY TO THE WEST

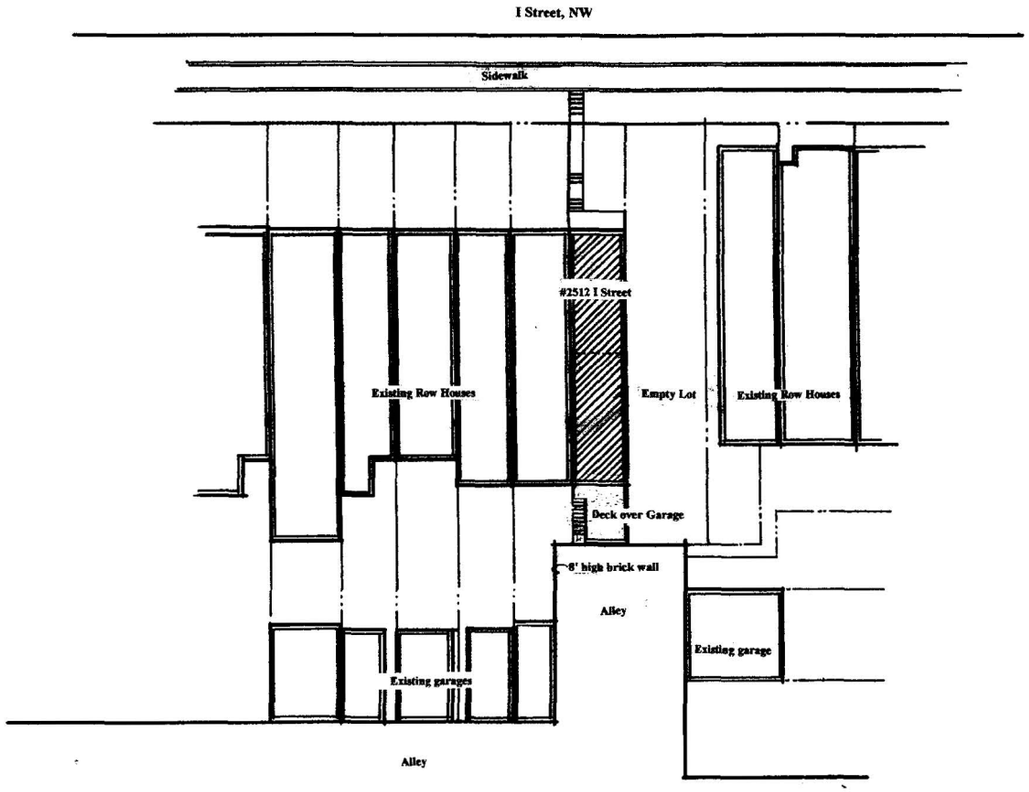
1/8" = 1'-0"

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2

Date 9.14.04



PROPOSED SITE PLAN

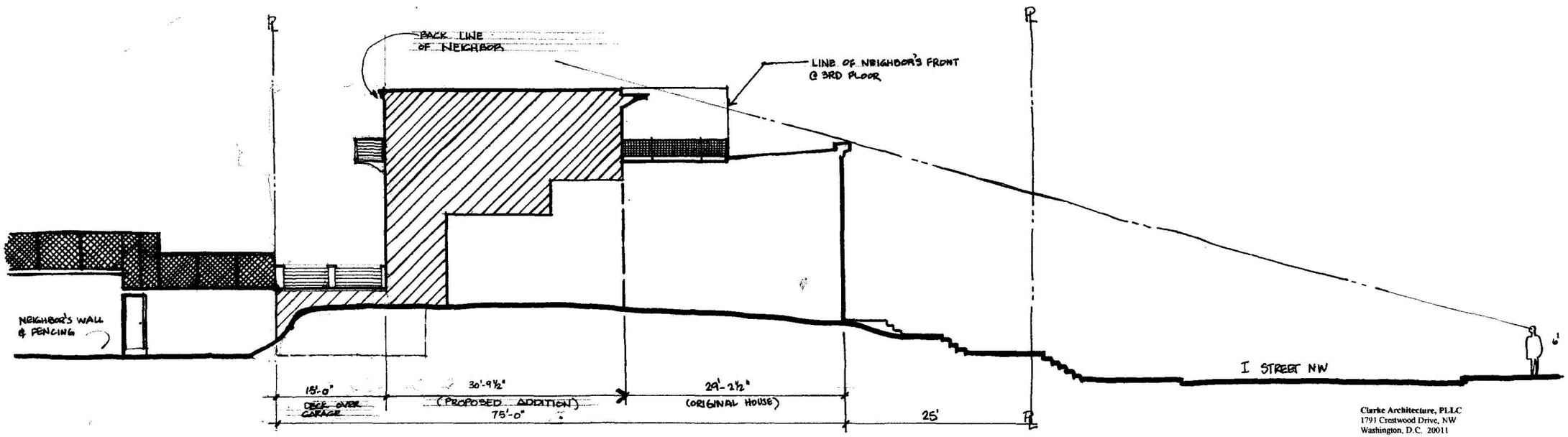
1" = 20'

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Sheet 3

Date 9.14.04



PROPOSED SITE SECTION

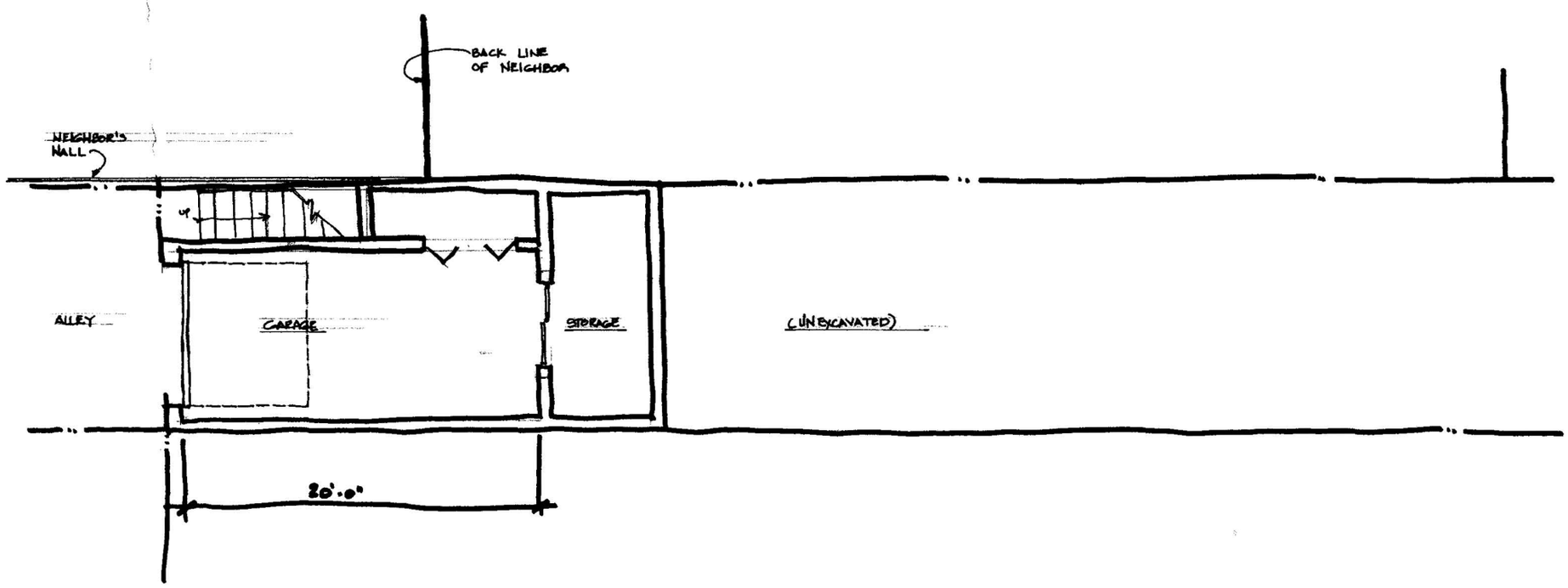
1/8" = 1'-0"

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GARAGE PLAN

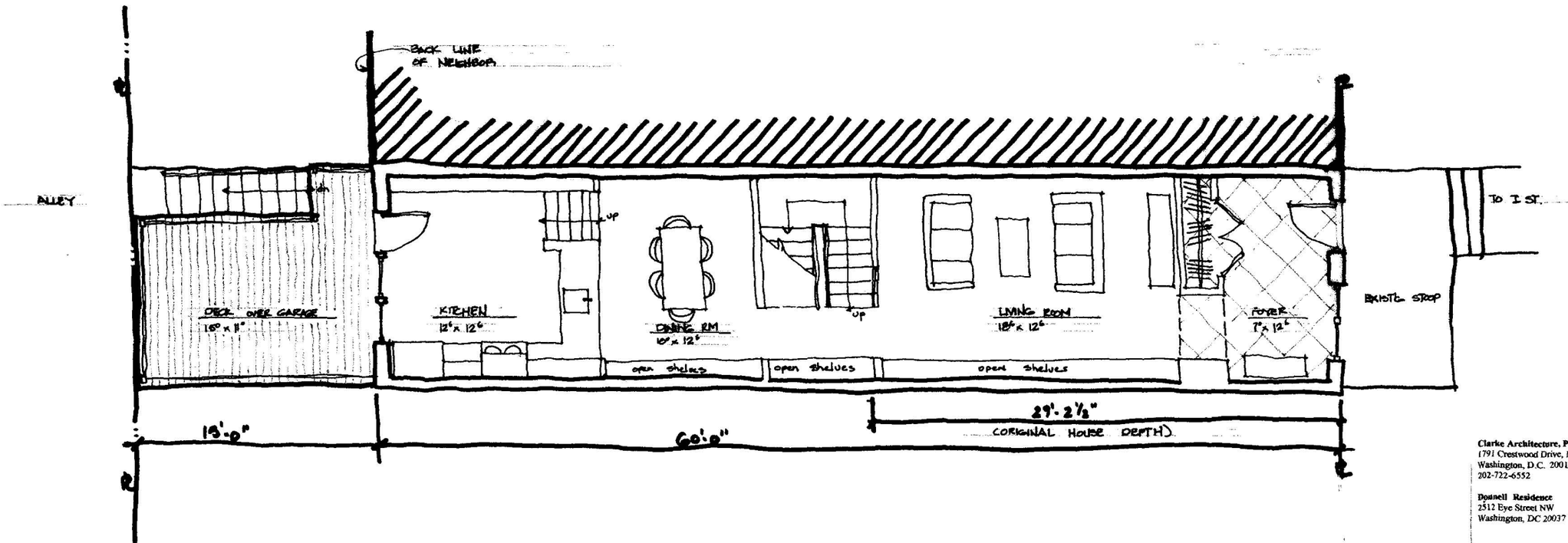
1/4" = 1'-0"

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5

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FIRST FLOOR PLAN

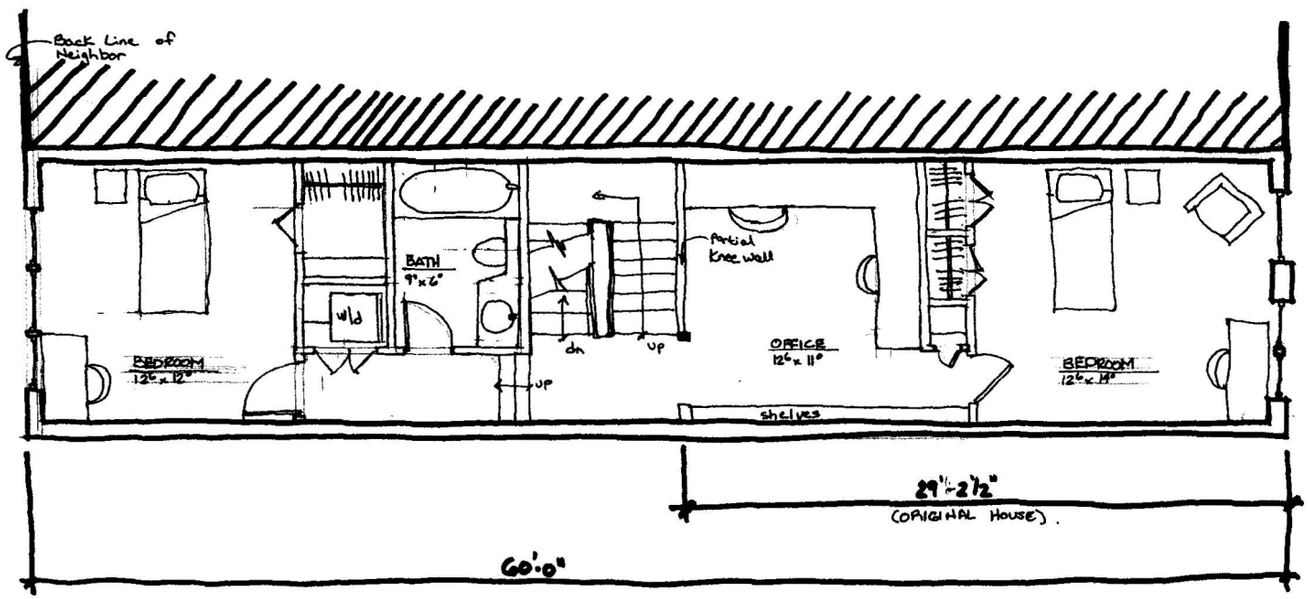
1/4" = 1'-0"

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Date 9.14.04



To I street

SECOND FLOOR PLAN

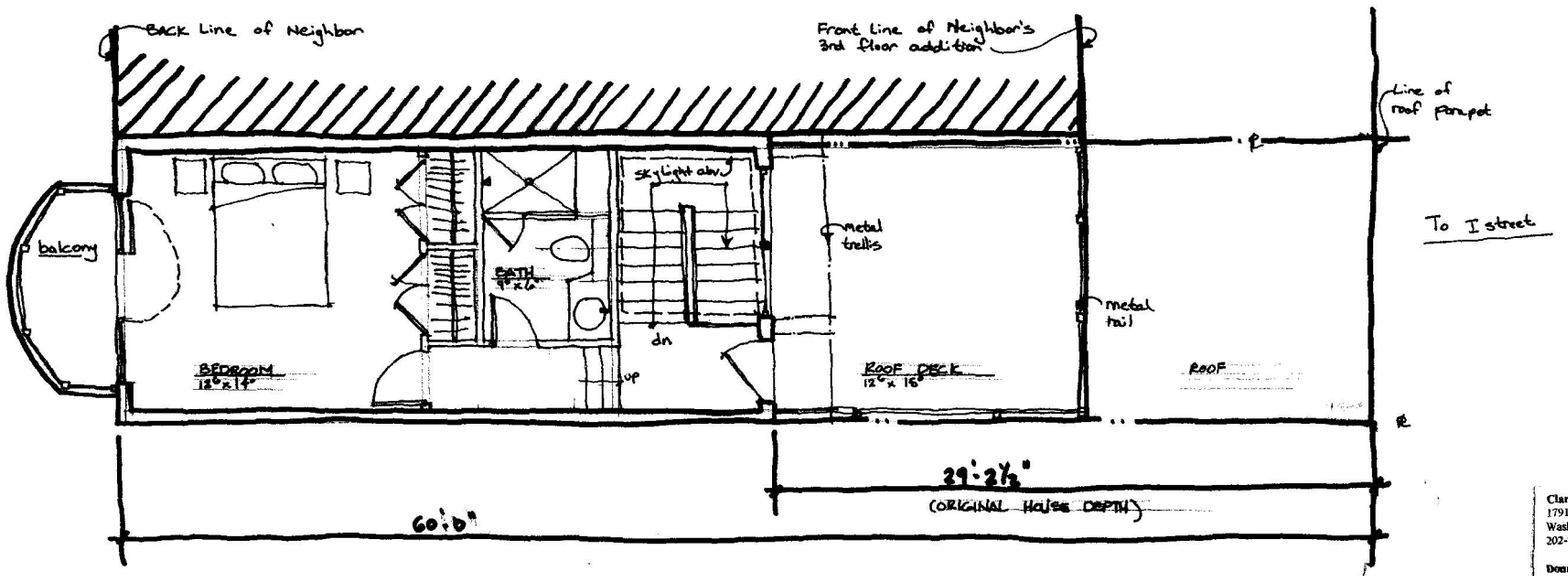
1/4" = 1'-0"

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Sheet 7

Date 9.14.04



THIRD FLOOR PLAN

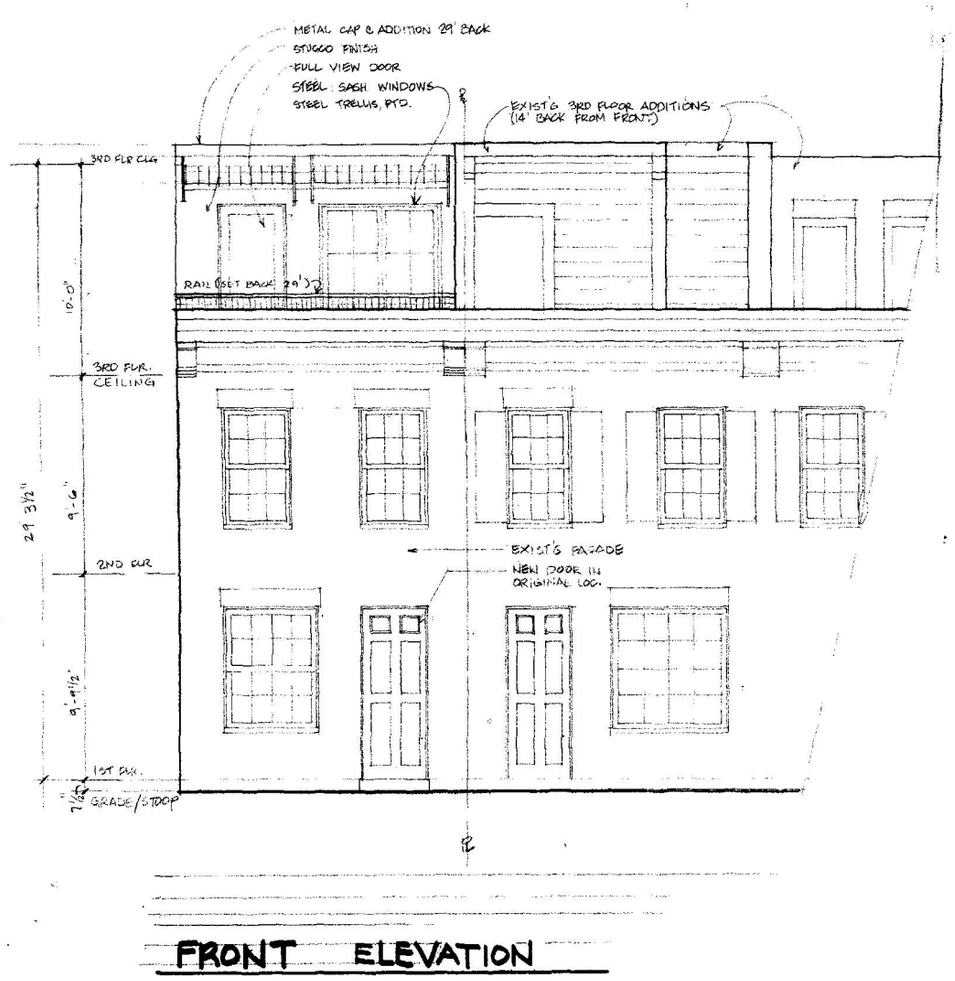
¼" = 1'-0"

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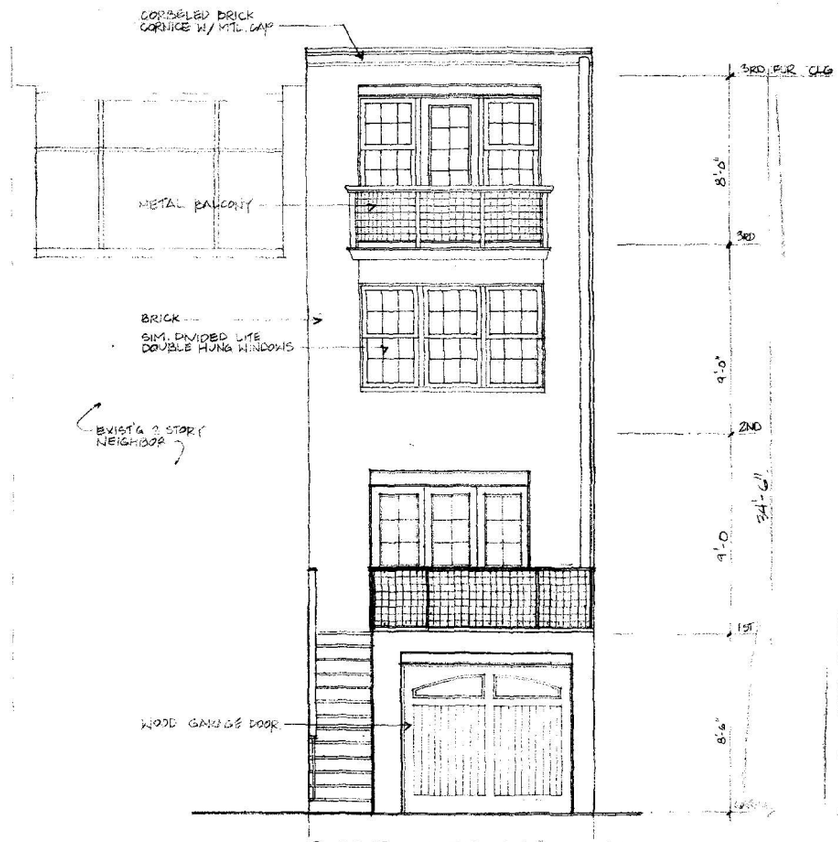
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Sheet 8

Date 9.14.04



FRONT ELEVATION



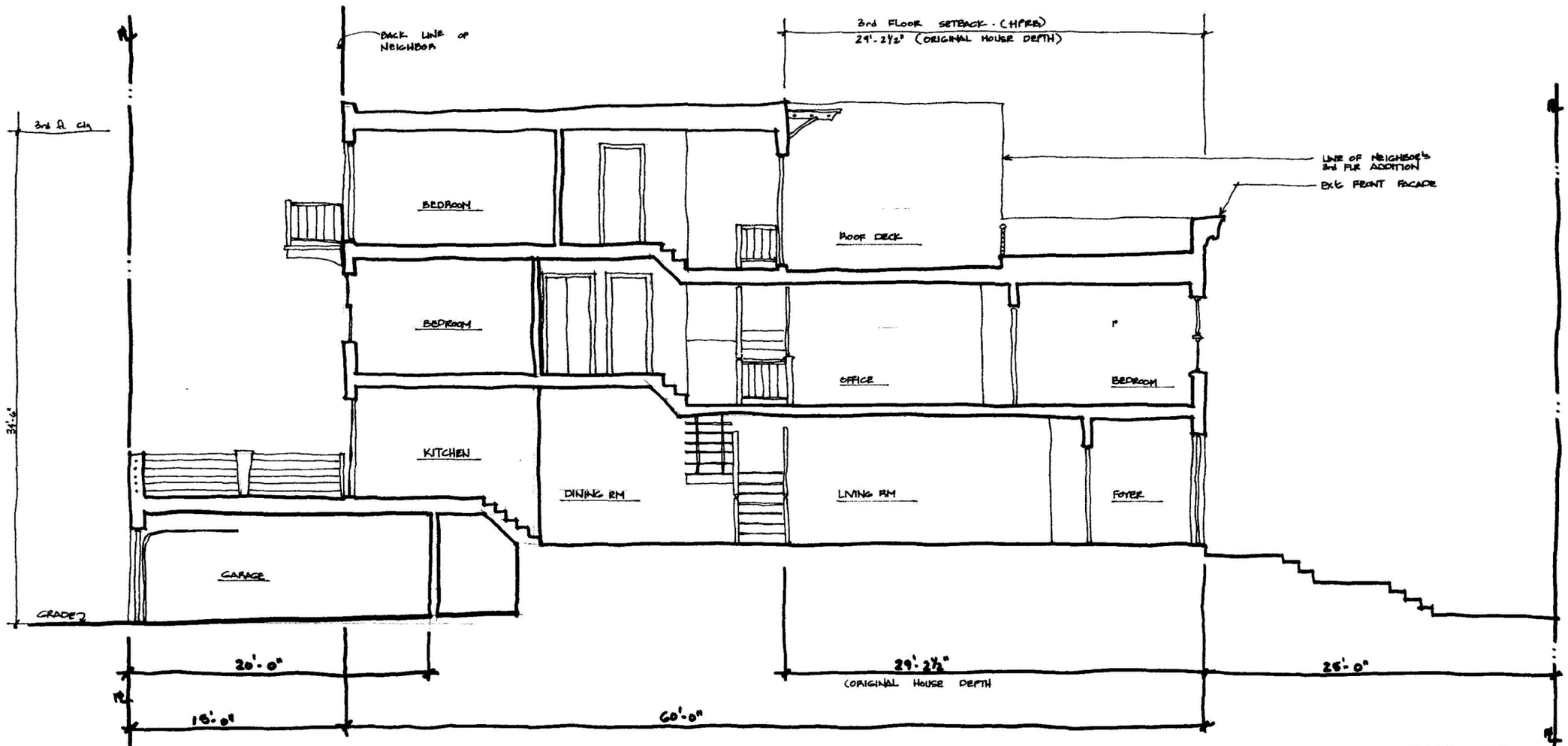
REAR ELEVATION

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Washington, DC 20037

Sheet 9

Date 9.14.04



BUILDING SECTION

1/4" = 1'-0"

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10

Date 9.14.04