STATEMENT OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION
TO THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA
FOR AREA VARIANCE

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PURSUANT TO SECTIONS 402.4, 2001.3, and 3103

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

1610 21st Street, N.W.

(SQUARE 68, LOT 848)

BZA Case No.

BZA
Case No. 17291
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17291
EXHIBIT NO. 4

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INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Mark Bailen and Jessica Rosenworcel, (hereinafter "Applicants") for a variance from FAR requirements under Sections 402.4 and 2001.3 of the Zoning Regulations to permit FAR of 2.59 for a three-story structure plus basement at 1410 21st Street, N.W. (Square 68, Lot 848) in the DC/R-5-B Zone District.

The building is a pre-1958 structure in the Dupont Circle Historic District.

DESCRIPTION OF THE APPLICANTS

Mr. Bailen and Ms. Rosenworcel purchased this house in December 2003. They have lived in the immediate neighborhood for over seven years. They first rented apartments in the 2100 blocks of O and P Streets NW and then purchased a condominium in 2000 at 1415 21st Street NW, directly across the street from their current residence. They both work in the District of Columbia and hope to stay in this West Dupont Circle neighborhood for many more years.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is located at 1410 21st Street, N.W., Square 68, Lot 848. It is a single family dwelling with an apartment in the basement and part of the first floor. The building was renovated between 1977 and 1981 in a very unconventional manner in which the building section forms a pair of interlocking "L"s. It creates a good bit of drama but does not allow for a conventional set of discrete spaces within the units. The top floor is an open volume incorporating most of the space of the previous attic. If this attic level is expanded a bit, it could accommodate an additional bedroom. A modest increase in size will enable the owners to have a children's bedroom on the top floor above their bedroom. The alternative is to put the children's bedroom in an isolated room on the back of the first floor, two floors below the parents' sleeping quarters. This room, which is at the street entrance to the owner's unit, has one window facing a rear court which admits little light. It could never be described as a nursery or child's room as it is so remote from the rest of the owner's unit above.

B. Area Surrounding the Property

The Property is on the West side of 21st Street, N.W. between Q and P. It is midblock surrounded by single family row houses and condominiums. The neighborhood is mostly residential with a mix of single family and multifamily dwellings in the DC/R-5-B zone, but practically adjacent to the DC/C-2-C zone. The Residence Inn hotel, with over eight stories, overlooks the rear of the property from P Street, N.W.

Otherwise, the proposed addition would be seen by almost no one but the patrons of the Omega Bar in the rear alley.

C. Zoning History and Use History

The area is zoned DC/R-5-B. The property is subject to the Zoning regulations generally applicable to buildings in the R-5-B Zone District. It was one of a group of 10-12 houses that had served as rooming houses for many years. In the early 80's, it was gutted and renovated as a one-of-a-kind modernist interior with open volumes and all the characteristics of the exuberance of the late modernist period.

REASONS IN SUPPORT OF THE APPLICATION FOR A VARIANCE

A. Compliance with D.C. Zoning Regulations

Uniqueness

This is a lot containing 1,172.5 square feet. It was reduced from 1,830 square feet in or around 1980, when part of the lot was transferred to lots on O street to provide access to their condominium garages. The current FAR is 2.23, somewhat more than the 1.8 FAR permitted. One might speculate as to why the District permitted the resubdivision which had the effect of increasing the FAR beyond permissible limits.

In addition, the house was gutted and renovated by Thomas Burke Simmons as a one-of-a-kind house with atria, curved stairways with ship railings, hanging garden niche platforms, and open volumes which deprive it of much-needed living space.

Extraordinary or exceptional physical conditions creating a practical difficulty

Any family living in this townhouse would encounter difficulties with the paucity of bedrooms. Because of the twin exigencies of reduced lot area and architectural whimsy, the Applicants are unable to have bedrooms where they need them most. To accommodate a growing family, they need to provide a bedroom on the fourth floor. Space for such a room could have been found if the building had been renovated in a more conventional manner. Now, however, the cost of re-configuring the house would be prohibitive. Additionally, such an endeavor of un-doing the previous architect's work would deprive the District of a striking example of a period modernist interior. A simple and relatively modest expansion of the attic/loft area into a partial floor would provide necessary living space without doing any violence to the zone plan.

Thought was given to having the first floor rooms serve the upper floors rather the basement apartment. Under such a scenario, the master bedroom could be put on the first floor along with the children's room. However, we are told that that will not work. The entrance to the basement/first floor apartment is on the first floor, between a bedroom and the entry to the upstairs unit. Converting the bedroom to the upstairs unit would close off

access to the front entry stairway for the basement/first floor unit. It is not possible to create a new front entry way from the outside because the front room in the basement is the master bedroom for that unit.

B. No Adverse Effects

There will not be substantial detriment to the public good. Our plans, pictures, and testimony show, and will show, that there will be no appreciable impact on light and air available to adjacent and nearby properties. Secondly, the privacy of neighbors will not be unduly compromised. Thirdly, the addition cannot be viewed from the street.

Neighbors are supportive of the change requested here. None of them can see the addition from their houses. Only the customers of the bar in the alley, and perhaps some of the Residence Inn hotel guests will have a view of the expanded attic. Other houses have considerably more space. For example, 1414 21st Street has a very large 4th floor addition. It will remain larger and higher than 1410 even after the proposed construction at 1410.

Finally, the addition will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

This single family house fulfills the objectives of the DC/R-5-B District. The Dupont Circle Overlay Zone District regulations (11 DCMR §1501 *et seq.*) cites the low scale, predominately residential character, ... human scale streetscapes, and historic character ..." §1501.1 The purpose of the District is to

(a) "Require a scale of development consistent with the character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone; (emphasis supplied)

(b) Protect the integrity of "contributing buildings"...

(c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development;

(d) Ensure compatibility of development with the Comprehensive Plan; ..."

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 Bailens' renovation and addition plans.

CONCLUSION

The Applicants should be granted a variance and special exception to build over the current parking structure. Such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,

Stephen N. Gell, Esq.