**Updated Statement of the Applicant**
**Request for Variance Approval**
**2529 I Street NW**

On behalf of Michael Schroeder and Amber Wason (collectively, the "Applicants"), the owners of the property located at 2529 I Street NW (Square 0016, Lot 0871) (the "Property"), we are submitting this request for Variance relief from Subtitle D § 203.2 under Subtitle X § 1002.1 of the Zoning Regulations. Specifically, the Applicant is seeking relief to allow for the construction of a fourth-story addition to the existing single-family row dwelling, to accommodate a third level of habitable space. This relief is required to address the exceptional topographic conditions of the Property, which results in the classification of the ground floor as a "story", despite the fact that the ground floor is unfit for habitable space (due to lack of code required egress). As such the proposed fourth floor addition exceeds the maximum number of stories allowed in the R-3 zone (*i.e.* three stories), although the proposed building height will remain below the otherwise allowed maximum building height in the zone (*i.e.* 40 feet). As discussed in greater detail below, the proposed vertical addition is necessary to allow sufficient living space to accommodate the Applicants' growing family, consistent with the intent of the R3/FB Zone. Importantly, the proposed construction will not have any adverse impacts on the surrounding community. Rather, the proposed addition will complement the historic character of the surrounding neighborhood, as it will complete the façade to match the adjacent dwelling, as intended by the original design. No objections have been raised by nearby neighbors. In fact, the immediately adjacent property owner has expressed support for the application. Additionally, the Historic Preservation Review Board voted to approved the proposed Project.

## I. Board's Jurisdiction

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the variance relief requested herein pursuant to Subtitle X §§ 1000.1 and 1002.1.

## II. Site Location and Characteristics

The Property is located along I Street NW, approximately 40 feet east of its intersection with 26th Street NW, in the R-3/FB zoning district. The Property is also located within the Foggy Bottom Historic District. The Property has a sub-standard net lot area of approximately 1,140 square feet (compared to the 2,000 square feet minimum lot size required for row dwellings in the R-3 zone) and is currently improved with an approximately 1,632 square foot, three-story row dwelling. The existing building contains only two-bedrooms.

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## III. Requested Relief

The Applicants are requesting relief from the maximum number of stories permitted in the R-3/FB Zone, to accommodate a vertical addition that otherwise complies with the maximum building height (*i.e*. 40 feet). Specifically, Subtitle D Section 203.2 permits a maximum height of 40 feet and a maximum of three stories. As discussed in greater detail below, the existing row dwelling technically has three stories today, although the ground floor is occupied by a garage and uninhabitable space. This is due to the significant topographic change on the Property, whereby the ground floor is fully exposed at the front of the Property but fully buried at the rear. This existing grade precludes the "ground floor" from housing any bedrooms, as there is not adequate means of egress. As such, to address the topographical challenges of the Property and provide for a third-floor of habitable space (to accommodate a third bedroom), the Applicants are seeking relief to allow for the construction of a fourth-story addition.

## IV. Proposed Construction

To accommodate the demands of a growing family, the Applicants are proposing to construct a fourth-floor addition to the existing building. The Applicants have resided in the existing row dwelling for the past five years and desire to remain. However, as their family expands, they have quickly outgrown the current space. The existing house has only two-bedrooms. Therefore, to create an appropriately family-sized home, the Applicants are seeking to construct a third-bedroom through a vertical addition.

The existing topography and sub-standard lot size, which does not have any alley access, preclude the Applicants from accommodating a third bedroom elsewhere on the Property. The Applicants have prepared a constraints plan, submitted concurrently with this Statement, to illustrate the challenges with accommodating this additional bedroom through any other means and in any other location:

- **Constructing a Horizontal Addition is Not Feasible**.
    - A rear addition would compromise the functionality and livability of the current bedroom. The upper floor currently has two bedrooms that are connected by a shared hallway. Constructing a horizontal addition, at the rear of the Property, would require the extension of the existing hallway through the existing bedroom, resulting in a loss of existing livable space. Furthermore, this loss of space would render the existing bedroom too small to continue to function as a true owner's suite (as it does today). Not only would the existing bedroom be compromised in its ability to accommodate modern bedroom furnishings and closet space, but the natural light would also be significantly diminished due to the need for the rear addition covering the main window serving the existing bedroom.
    - The rear addition itself would be constrained and provide a substandard space. The rear addition would also be limited in functionality and size, as it would have to be constructed as a dog-leg condition, given the need to maintain code-required egress

to the existing bedroom. Furthermore, the rear addition is constrained by code requirements, that allow for only a 10-foot rear addition. While we recognize that Special Exception relief could be sought to exceed the 10-foot rule, the additional depth would only compound the other negative impacts associated with this rear addition on the ground plane. Notably, the rear addition would dramatically decrease the light and air available to the primary living space on the main level and would substantially decrease the usability of the already small backyard.

- Constructability challenges. Furthermore, there are construction challenges with this rear addition, as the posts required to support any rear addition would necessarily fall within the existing cellar space. This would not only present construction challenges but would also diminish the usability of the cellar space.

For all these reasons, a horizontal rear addition is not feasible or desirable.

- **Constructing a Bedroom on the First Floor is Not Feasible.**
  - The "first floor" is occupied by a garage at the front and is entirely below-grade at the rear. Because the Property has no alley access, parking cannot be accommodated elsewhere and must remain within the existing garage, accessed off of I Street. But given the topographical constraints, and need to provide code required egress, the room at the back of the first floor is not fit for habitation (as a bedroom cannot egress through a garage and it would be cost prohibitive to excavate to provide code required egress at the rear). There are also practical constraints with accommodating a bedroom on the first floor, as the Applicants, understandably, would not want to sleep two floors above and/or below their very young children.

For all of these reasons, the only way to accommodate a third-bedroom within the existing row dwelling is through a vertical addition. Notably, the proposed fourth-floor addition has been designed to restore symmetry with the adjacent, row dwelling – the two homes were originally designed to provide bilateral symmetry. In fact, many of the homes on this stretch of the Block were designed to provide bilateral symmetry. As such, the proposed fourth floor addition will be more in-keeping with the historical character of the neighborhood, by completing the matching facade. As noted above, Applicant has obtained Historic Preservation approval for the proposed modifications.



Representative images of existing homes on the block.



Asymmetrical massing on the Property, which is missing the fourth floor and no longer provides bilateral symmetry with the adjacent home.

## V. Purpose and Intent of Zone

The proposed building alteration is consistent with the general purpose and intent of the Zoning Regulations and Zoning Map. The Property is located in the R-3/FB Zone. The Residential House Zones are intended to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses; and recognize and reinforce the importance of neighborhood character and aging in place. (*See* Subtitle D Section 101.2(a)). Specifically, the R-3 Zone is intended to permit attached row houses on small lots. The purpose of the Foggy Bottom Residential House Zone is, in part, to enhance residential character of the area by maintaining existing low-scale residential uses, human scale streetscape, and historic character." (*Emphasis added*) (*See* Subtitle D Section 900.2).

The proposed addition will not change the nature of the existing house on the Property – The Property will continue to be used for single-family residential use, as recommended by the

General Plan. The proposed addition will simply allow for interior space that is better suited and able to accommodate the needs of the Applicants' growing family, allowing them to remain (and grow) in their current neighborhood. To this end, the proposed addition will reinforce the purpose of the R-3 Zone. Furthermore, the proposed addition promotes the purpose of the Foggy Bottom Residential House Zone by better aligning with the historic character of the community. As discussed above, the homes on the north side of I Street, within this block, were largely designed to provide matching pairs of units throughout the row. While the first three floors of the Property mirrors that of the adjacent building, the Property provides an asymmetrical massing, as it is missing the corresponding fourth floor. As noted above, these two homes were designed to provide bilateral symmetry, which promotes balance and harmony among the facades. When the adjacent neighbor added the fourth floor addition, that harmony in the streetscape was destroyed. As such, the proposed fourth floor addition has been designed to restore that bilateral symmetry.

The Property is located within the Near Northwest Area Element of the Comprehensive Plan. Specifically, the Property falls within the Foggy Bottom/West End focus area. The Comprehensive Plan recognizes that the heart of the neighborhood is the 19th century homes. The Project further enforces the character of the surrounding residential neighborhood by maintaining the single-family row dwelling and improving the existing building's architectural compatibility within the historic fabric of the neighborhood. Additionally, the Plan recognizes that parking is an issue in the area's residential neighborhoods. The Project maintains the first-floor parking garage, which helps address this issue through the retention of on-site parking.

## VI. Variance Justification

The Applicant is seeking variance relief from the Board to allow for an additional story, within the otherwise permitted building height (*i.e.* 39 feet proposed, 40 feet permitted). The Board is authorized to grant variance relief, pursuant to Subtitle X §§ 1000.1 and 1002.1(b), as authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3), where it finds that: (1) the Property is affected by exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition; (2) as a result of these specific attributes of the property, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the Property; and (3) the variance 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. As demonstrated below, the Applicant meets these required findings:

A. *The Property is affected by exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition*.

The phrase "other extraordinary or exceptional situation or condition" applies to both the characteristics of land and the existence of improvements on the land. *See Clerics of St. Viator, Inc. v. D.C. Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974) (*emphasis added*). The "extraordinary or exceptional situation or condition" may also arise from a confluence of factors

that affect a single property. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment,* 579 A.2d 1164, 1168 (D.C. 1990). Here, the Property is characterized by an exceptional situation and condition arising from the existing topography and exceptional narrowness/shallowness of the lot.

The Property is affected by exceptional topography, with a rise in elevation of approximately ± 8'10" from the front to the rear of the lot. This topography results in a condition where the ground floor is fully exposed at the front street but entirely buried at the rear of the Property. This topography is compounded by the small lot size and presence of a row dwelling on the lot, which effectively precludes the Applicant's ability to expand the habitable living space on the Property, without the need for this relief (as outlined in Section IV, above).

As mentioned above, the Property is located in the Foggy Bottom Historic District. The location of the Property within a historic district is also an extraordinary situation that adds to the challenges the Applicant must overcome in seeking to utilize the Property in accordance with the intent of the underlying Zone. Here, as confirmed by the Historic Preservation Review Board's approval, the proposed modifications are in keeping with the historic character of this District. In fact, for the reasons discussed above, the proposed fourth floor addition better conforms with the architectural character of this block (as compared to existing conditions).

B. *The strict application of the zoning regulations would result in exceptional and undue hardship*.

Strict application of the Zoning Regulations will result in exceptional and undue hardship to the Applicants by precluding them from being able to accommodate their growing family in the exiting row dwelling, consistent with the intent of the zone. In fact, strict application of the Zoning Regulations would prevent the Applicants from being able to add an additional bedroom to the existing two-bedroom structure. As discussed in detail in Section IV above and illustrated on the constraints plan, submitted concurrently with this Statement, there is no ability to construct a third bedroom, without a vertical addition. Because the ground floor is fully exposed at the front of the building it counts as one of the three "stories" allowed by the existing zone. However, counting this level toward the maximum number of permitted stories effectively penalizes the Applicants from expanding the number of bedrooms within the existing structure to provide a family-sized unit. As discussed herein, because of this topography, the Applicant is unable to use the ground floor for a bedroom, as there is not a secondary means of egress at the rear.[1] Furthermore, because this is an interior row unit, combined with the shallow lot size, there is no ability to construct an additional bedroom at the rear of the "third floor" (which is effectively the second floor, when viewed from the backyard) – any such horizontal addition would remove the secondary means of egress for the existing rear bedroom; compromise the space and functionality of the existing bedroom; necessitate relief for an encroachment into the required rear yard; and greatly diminish available light and air to the main living room and existing bedroom. As such, the Applicants

[1] The front must remain as a garage, since there is no rear alley access to the Property. And as discussed herein, the Comprehensive Plan recognizes the challenges of parking availability within this area of the City.

would experience exceptional and undue hardship if the relief is not granted, as they will be precluded from constructing a third bedroom on the Property, which would render the existing building too small to allow them to remain (and grow) their family here.

C. *The Variance relief requested 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*.

The variance will allow for the construction of a fourth floor on the existing building, which has been designed to match the fourth floor on the adjacent row dwelling, consistent with the architectural intent of the neighborhood. The fourth floor will remain below the maximum height allowed in the R-3/FB zone and will continue to be compatible with the surrounding building heights on the block. As discussed in Section V above, the proposal will promote many goals and objectives of the Zone and the City, as expressed through the Plan. As such, the variance application will not substantially impair the intent, purpose and integrity of the zoning regulations and map.

The Property will continue to be used for single-family residential use and the proposed modifications will further enhance the character of the surrounding neighborhood, by creating a compatible massing and mirrored façade (as intended by the original architectural design). The variance will not cause substantial detriment to the public good but rather, will promote an important public policy objective of promoting family-sized housing in the City. The Project will not have any adverse shadow impacts on the adjacent properties, as there are no solar panels or roof openings that will be impacted.

## VII. Conclusion

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment's approval of the requested Variance. The proposed Application will be compatible with the surrounding neighborhood and allow the Applicants to remain and continue to raise their family in their existing home.

Respectfully submitted,



Elizabeth Rogers