

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**PARAMOUNT ESTATE LIMITED LIABILITY COMPANY
2201 R Street, NW
Lots 65 and 66 in Square 2516**

Preliminary Statement in Support of Compliance with Burden of Proof

I. Overview and Nature of Relief Sought

On behalf of Paramount Estate Limited Liability Company (the “Applicant”), the owner of the property located at 2201 R Street, NW (Square 2516, Lots 65 and 66) (the “Property”), this statement is submitted in support of an application for a **use variance** pursuant to Subtitle X § 1001.1 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (the “Zoning Regulations”) from the matter of right uses of Subtitle U § 201, to allow for a 6-unit multiple dwelling building within the R-3 Zone District (the “Project”).

Pursuant to Subtitle Y § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or “Board”) no fewer than 30 days prior to the public hearing on the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board’s approval of the requested relief. The following is a preliminary statement demonstrating how the application meets the burden of proof.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the requested use variance pursuant to Subtitle X § 1000.1 of the Zoning Regulations.

III. Background

A. Description of the Property and Neighborhood Context

The Property is located in the Kalorama Heights neighborhood and is within the Sheridan-Kalorama Historic District in Northwest Washington, DC. The Property is located at the northwest intersection of R Street NW and 22nd Street NW and has approximately 7,312 square feet of land area. The Property is currently improved with a vacant, four-story building with approximately 16,188 sq. ft. of gross floor area (the “Existing Building”). The footprint of the Existing Building spans both Lot 65 and 66, and the Applicant intends to subdivide these lots into a single record lot. The Property is bounded by a public alley to the north and a retaining wall along the northern lot line; an architectural wall and the Existing Building’s eastern façade along the eastern, 22nd Street, NW to the east; the Existing Building’s southern façade and an architectural wall along the southern, R Street, NW lot line; and private property (Lot 56) (which is not included in this

application) along the western lot line. The Property has no independent access, and the only access to the Property is via a driveway easement and wall opening located on Lot 56.

The Existing Building was built in 1906 as a single-family home. Based on historical records, the Property was used as a residence from approximately 1906 through 1945. The Property was then purchased and used by the Embassy of Pakistan. However, the Existing Building has been vacant for nearly 20 years.

The character of the surrounding area is primarily a mix of residential and foreign government uses. For example, a number of row homes are located to the immediate north of the Property, along the west side of 22nd Street, NW. There are also a number of multifamily-type structures and embassies located to the immediate east (owned by Brazil), southeast (owned by Bulgaria), and south (owned by Zambia) of the Property.

There are numerous Metrobus routes (C91, D74, D90, D94, and D96) located within two blocks of the Property. The DuPont Circle Metro Station is located approximately 0.3 miles from the Property.

B. Zoning

As shown on the portion of the Zoning Map submitted herewith, the Property is located in the Residential House (R)-3 zone. The R zones are residential zones designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. *See* Subtitle D § 101.1. Among other purposes, the R zones are intended to “recognize and reinforce the importance of neighborhood character, walkable neighborhoods, **housing affordability**, aging in place, preservation of housing stock, improvements to the overall environment, and **low- and moderate-density housing to the overall housing mix** and health of the city” as set forth in Subtitle D § 101.2(b) (emphasis added). The purpose of the R-3 zone is to allow for row houses, while including areas within which row houses are mingled with detached houses, semi-detached houses, and groups of three (3) or more row houses. *See* Subtitle D § 101.8.

The development standards applicable to “All Other Structures” in the R-3 zone include a minimum lot width of 40 feet; a minimum lot area of 4,000 feet; a maximum building height of 40 feet and three stories; a front setback within the range of existing front setbacks of all residential buildings on the block; a minimum rear yard depth of 20 feet; a minimum of two side yards with a minimum of 8 feet in width; a maximum lot occupancy of 40 percent; and a minimum pervious surface of 20 percent. *See* Subtitle D § 200 *et seq.*

A residential apartment (residential, multiple dwelling unit use category) requires one vehicle parking space for every two dwelling units, one short-term bicycle space for each 20 dwelling units, and one long-term bicycle space for every three dwelling units. *See* Subtitle C §§ 701.5 and 802.1. Loading is not required since the proposed use includes less than 50 residential units.

C. Proposed Residential Development

As shown on the architectural plans submitted herewith, the Applicant proposes to renovate the Existing Building to provide six residential units. There is no proposed expansion of the Existing Building's footprint, nor is there any increase to the Existing Building's gross floor area. Circulation and amenity space will be located on all four floors of the Existing Building with two units on each of the second, third, and fourth floors. The first floor will provide a parlor, fitness room, and amenity space. The units will be approximately 1,000 to 1,200 square feet each. The Project also includes five off-street vehicle parking spaces located at the rear of the Property and accessed from an easement located on Lot 56. The Project also includes one short-term bicycle parking space and two long-term bicycle parking spaces, as required under the Zoning Regulations, which will be located in a bike locker and accessed from the secured parking court. A landscaped amenity area, including a pool, will be located at the rear of the Property.

IV. Use Variance Relief

The Applicant is requesting use variance relief pursuant to Subtitle X § 1000.1 from matter-of-right uses of Subtitle U § 201 to allow for a 6-unit apartment house within the R-3 Zone District.

A. Burden of Proof

Under D.C. Code § 6-641.07(g)(3) and 11-X DCMR § 1000.1, the Board is authorized to grant a variance from "the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02" when the following conditions are met:

1. the property is affected by exceptional size, shape, or topography or other extraordinary or exceptional condition or situation;
2. the owner would encounter peculiar and exceptional practical difficulties or undue hardship if the zoning regulations were strictly applied; and
3. the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See *French v. D.C. Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. D.C. Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also *Capitol Hill Restoration Society, Inc. v. D.C. Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

The Zoning Regulations distinguish between area variances and use variances. In this case, the Applicant's request is properly evaluated as a use variance because the Applicant proposes a use that is not permitted as a matter of right or via special exception in the Zone District where the property is located. (11-X DCMR § 1001.4(a)).

Thus, pursuant to Subtitle X § 1002.1, the Applicant must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of Subtitle U § 201 would result in exceptional and undue hardship upon the Applicant. As discussed

below, and as will be further explained at the public hearing, the subject application meets the three-prong variance test.

B. Justification

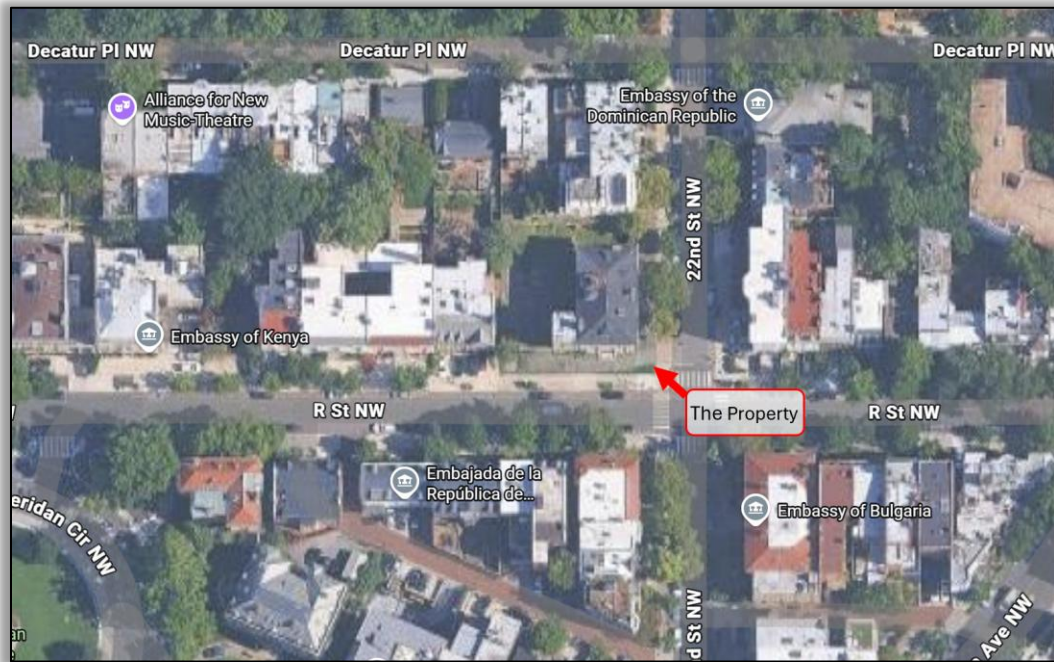
i. Extraordinary or Exceptional Condition or Situation

The Property is unique due to a confluence of factors that create an exceptional situation. See *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). Moreover, the exceptional situation pertains not only to the land itself but also to the existing improvements that surround and affect the Property. This is consistent with the principle, long recognized in BZA jurisprudence, that an exceptional situation or condition can relate to the property as a whole, not merely the land. See *Clerics of St. Viator v. D.C. Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974) (“It makes no practical difference whether the inability to use property in accordance with zoning regulations stems from topographical conditions of the land itself or from the existence of a structure on the land.”).

Here, the Property is singularly affected by exceptional and unique conditions arising from the size and condition of the Existing Building, the Property’s configuration, and the history and prior use and ownership of the Property. These conditions are not self-imposed but the result of the historical use of the Property and the Existing Building.

First, the Property presents an exceptional and unique condition. As described above, the Property does not have any direct street or alley access. As shown on the Plans and as described above, the Property is bounded by a retaining wall along the northern lot line; an architectural wall and the Existing Building’s eastern façade along the eastern, 22nd Street, NW lot line; the Existing Building’s southern façade and an architectural wall along the southern, R Street, NW lot line; and Lot 56 (which is not included in this application) along the western lot line. Thus, the only access to the Property is via an easement on a portion of Lot 56. Other properties in the surrounding area have direct access to the street through a private driveway or access from a public alley. In addition, as shown on the Plans, there is a paved area abutting the Property to the east and a driveway with two curb cuts abutting the Property along the southeast property line.

The topography of the Property is also unique as compared to other properties in the square. As shown on Sheet E4 of the Plans, the Property’s surrounding grade changes by more than 10 feet, from north to south, resulting in the need for a retaining wall along the northern lot line, and the buildings to the immediate north of the Property having a grade approximately 10 feet higher than that of the Property. Consequently, even though the Existing Building is four stories as measured from its building height measuring point, other 40-foot buildings to the north are substantially above the Existing Building. Further, as shown in the aerial image below, the Existing Building is sited at the southeastern corner of the Property, leaving extensive open space to the north and west. To the east and south, the Property is bounded by public streets. Therefore, the Existing Building’s distance from other neighboring structures in all directions, combined with the absence of mature trees, vegetation, or other structures on the Property, results in a substantial amount of open space around the Existing Building, which reduces privacy and is particularly unique to the Property in context with other properties in the immediate vicinity.



Additionally, the Existing Building presents an exceptional and unique condition. The Existing Building is exceptionally large at 16,188 square feet of floor area, including useable attic space. Although the Existing Building was initially constructed and used as single-family home from 1906 until 1945, the Existing Building was previously used primarily as housing for foreign diplomats. In fact, the upper floors of the Existing Building are configured as housing units. Moreover, the Existing Building has been vacant for more than 20 years. As a result, and as shown on the attached photographs at **Exhibit A**, the Existing Building is in extremely poor condition, and the amount and cost of work required to make the building habitable is substantial and has limited interest in the building by users/operators of permitted R-3 uses. For example, the Existing Building requires extensive renovations, including cleaning and repairing the historic building façades; extensive building-wide upgrades to electrical and plumbing systems; and implementing waterproofing.

Moreover, as described above, the Existing Building is a contributing structure in the Sheridan-Kalorama Historic District, and the historic nature of the building adds an additional layer of complication — and expense — that is required for the Applicant to ensure the Project meets historic preservation standards. For example, the Applicant must undertake significant window restoration as the windows are a key historic preservation feature. In addition, the Applicant must conduct masonry repointing and restoration throughout the Existing Building's historic facades to repair existing deteriorating conditions. The Applicant must also do substantial work to repair and restore the existing retaining walls and the historic architectural walls.

ii. Exceptional and Undue Hardship

There is a clear nexus between the Property's unique conditions and the exceptional and undue hardship that would result from strict application of the Zoning Regulations, specifically the matter-of-right uses of Subtitle U § 201. As a result of these conditions, redeveloping the Property cannot be reasonably used for any permitted matter-of-right use in the R-3 Zone, nor can it yield a fair and reasonable return if restricted to such uses.

The strict application of the Zoning Regulations would impose an undue hardship as there is no market for matter-of-right uses at the Property despite extensive marketing efforts. Uses permitted by-right in the R-3 zone include a principal dwelling unit; clerical and religious group residences; community solar facility; accessory uses subject to Subtitle U § 250; certain agricultural uses; chancery; child development/elderly development center operated by the District; community residence facility; emergency shelter; government, local use; health care facility; institutional, religious bases uses, private garage, public recreation and community centers and public libraries; public schools; certain temporary buildings and uses; mass transit facility; and youth residential care home. *See* Subtitle U §§ 201, 202.

From 2012 to 2023, the Property was encumbered by multiple tax liens for delinquent water/sewer charges and housing violations, which deterred potential buyers. The Property's prior ownership by the government of Pakistan resulted in an additional layer of hardship. For example, at one point the property was under contract; however, the then-prime minister was ousted in a parliamentary no-confidence vote in Pakistan, which resulted in the sale not moving forward.

The Court in *Palmer v. D.C. Board of Zoning Adjustment* stated that in a use variance case, "it must be shown that the regulations preclude the use of the property in question for *any* purpose for which it is reasonably adapted, i.e., can the premises be put to *any* conforming use with a fair and reasonable return arising out of the ownership thereof." 287 A.2d 535 at 542 (D.C. 1972) (emphasis in original). Further, the Court in *Palmer* also stated that one of the purposes for granting variances is to prevent useable land from remaining idle. *Id.* That standard is satisfied here.

First, the Property cannot be reasonably adapted for single-family residential use, which is the primary matter-of-right use in the R-3 zone. The Existing Building contains approximately 16,188 square feet of gross floor area and was last used by the Embassy of Pakistan. Its size, internal layout, and configuration are functionally obsolete for modern single-family living and would require substantial structural reconfiguration to create a viable residential program. Even with such investment, the resulting product would not align with market expectations for high-end single-family homes.

In addition to functional obsolescence, the Property's physical characteristics further limit its viability as a single-family residence. The lack of direct street access, reliance on an easement across a third-party property, steep topography, and exposure along multiple sides significantly diminish the privacy, security, and usability typically associated with single-family homes at this scale. These constraints materially impair the Property's marketability and render it less competitive than similarly situated homes in the surrounding area. While improvements could be

made to address some of these conditions, such measures would require substantial additional investment and would not fully overcome the Property's inherent limitations.

For example, the property located at 2320-2330 S Street NW (formerly the Textile Museum) also in the Kalorama Heights neighborhood, purchased by Jeff Bezos, is an example of a property with privacy and security characteristics typical of high-end single-family homes. This property is located approximately mid-block on S Street, NW, and thus only has public frontage at the front of the Property. The backyard and both sides of the Property are well-shielded from public view given their grade and location.



Figure 1. Bezos' House, Entrance #1



Figure 2. Bezos' House, Entrance #2

In contrast, as previously described, the layout and topography of the Property in relation to the neighboring structures and adjacent intersection with public streets and sidewalks spanning 50% of the perimeter of the Property on two sides, create little to no privacy or security. Even if some privacy and security measures were implemented at the Property, the Existing Building still has frontage on 22nd Street and R Street.

Second, the financial realities of a conforming use further demonstrate the existence of an undue hardship. Given the size of the Existing Building, renovating and converting the Existing Building to a single-family home is not economically feasible or desired as evidenced by the lack of buyer interest when the Property was listed. Based on current estimated construction costs of \$350 to \$500 per square foot for comparable properties, the cost to renovate the Existing Building for any use is estimated to be \$5.6 million to \$8 million dollars. Thus, in order to receive a "fair and reasonable return" the Property would need to be listed for no less than \$20 million dollars, which is not a realistic or viable listing price in the current real estate market given the site constraints. Accordingly, redevelopment of the Property for R-3 matter-of-right uses would not yield a reasonable economic return and is therefore not a viable conforming use.

Third, as part of the redevelopment of the Property, the Applicant has the additional, substantial cost of converting the abutting public space along the eastern property line from a paved area into a landscaped area that meets DDOT standards, and the additional cost and work of closing the two curb cuts along the southeast property line and converting the driveway without a landscaped area that meets DDOT standards.

Finally, no other permitted uses in the R-3 zone provide a feasible alternative. For example, other permitted uses such as public recreation and community centers, public libraries, and an

emergency shelter would likely generate a lot of activity at the Property that would likely adversely impact the surrounding community. Further, permitted uses such as a private garage and a mass transit facility are not compatible with the development scheme of the surrounding neighborhood. Given the size, configuration, and physical constraints of the Property and the Existing Building, there are no matter-of-right uses that can be implemented in a manner that is both functionally practical and economically viable. As a result, strict application of the Zoning Regulations would effectively render the Property incapable of productive use.

Absent the requested variance, the Property would remain vacant and underutilized as it has been for nearly 20 years, which would be inconsistent with the purposes of the Zoning Regulations and detrimental to the surrounding neighborhood. The requested relief would instead allow for the adaptive reuse of the Existing Building in a manner that restores it to productive residential use.

For all of these reasons, the Applicant has demonstrated that, as a result of the Property's unique conditions, the strict application of Subtitle U § 201 would result in an exceptional and undue hardship, thereby satisfying the requirements of Subtitle X § 1002.1(b).

iii. No Substantial Detriment to the Public Good or Substantial Impairment to the Intent, Purpose or Integrity of the Zone Plan

Granting the requested variance would allow for the development of a multifamily building without resulting in substantial detriment to the public good or substantial impairment to the intent, purpose, or integrity of the Zoning Regulations or Zoning Map. The proposed Project represents a modest and contextually appropriate residential use that is compatible with the surrounding neighborhood.

First, the proposed use will not create any adverse impacts on neighboring properties or the surrounding area. The Project involves the adaptive reuse of an existing residential building and does not introduce a non-residential use and does not alter the building's external scale or character. The conversion to six residential units will not result in adverse impacts related to light, air, privacy, or noise beyond what is typical for residential development in the area. In fact, the proposed use would have fewer impacts than other matter-of-right uses such as child development/elderly development center, health care facility, public recreation and community centers and public libraries, public schools, mass transit facility, and youth residential care home since those uses generate more activity and noise impacts, including vehicles and loading activities. Additionally, the Property is located in a transit-accessible neighborhood, within walking distance of the Dupont Circle Metro station and multiple bus lines, which helps mitigate potential traffic and parking impacts from the Project.

Second, the proposed use maintains the moderate density character of the neighborhood. The surrounding area accommodates a range of residential building types, including low-rise apartment buildings, and the proposed use is consistent with that broader residential context. The requested relief does not introduce a fundamentally different or incompatible use but instead allows for a modest increase in residential density within an existing structure. As such, the proposal reinforces, rather than undermines, the residential nature of the surrounding area.

Third, the proposal advances the purposes of the Zoning Regulations by restoring a long-vacant building to productive use. The Property has remained vacant for nearly 20 years, and absent the requested relief, it is likely to remain vacant. The adaptive reuse of the Existing Building will eliminate vacancy-related concerns, improve neighborhood conditions, and contribute to the overall vitality of the area.

Finally, the variance is compatible with the Comprehensive Plan (“Comp Plan”). The R-3 zone is consistent with the moderate density residential use designation, which defines “neighborhoods generally, but *not exclusively*, suited for row houses as well as low-rise garden apartment complexes” and is “characterized by a *mix* of single-family homes, two- to four-unit buildings, row houses, and low-rise *apartment buildings*.” See 10A DCMR § 227.6.

The proposed use variance to convert the vacant Existing Building at the Property into a multifamily residential building advances multiple priority housing and land use objectives of the Comp Plan. The approximately 13,500-square-foot building has been vacant for more than 20 years and is an underutilized site within the R-3 zone. The adaptive reuse of this structure supports policies encouraging the repositioning of existing buildings, neighborhood revitalization, rehabilitation before demolition, and the restoration of vacant buildings (LU-1.4.8; LU-2.1.2; LU-2.1.3; LU-2.1.4; LU-2.1.8; LU-2.2.4; LU-3.4.1; H-1.1.2; H-1.1.3; H-1.2.2; H-1.4.1; H-1.5.1; NNW-1.1.1). By providing productive residential occupancy while preserving the existing structure, the proposal reinforces the Comp Plan’s preference for reinvestment and conservation over demolition or continued vacancy.

The requested relief also advances policies supporting modest increases in residential density and housing diversification in low- and moderate-density neighborhoods, particularly in high-opportunity and transit-accessible areas, including the Dupont Circle neighborhood (LU-1.4.8; LU-2.1.3; LU-2.1.5; LU-2.1.8; LU-3.4.1; H-1.1.2; H-1.1.3; H-1.2.2; NNW-1.1.1). The Property’s proximity to the Dupont Circle Metro station, approximately 0.3 miles away, and access to multiple Metrobus routes along Connecticut Avenue, Massachusetts Avenue, and Florida Avenue, further align the future Project with transit-oriented development and transportation access policies that encourage housing near transit, employment opportunities, and walkable amenities (LU-1.4.8; LU-1.4.B; T-2.4.1; T-2.4.2; T-2.6.1). Reinvestment in the long-vacant building will also include façade and streetscape improvements, advancing pedestrian safety and neighborhood beautification objectives (LU-2.2.4; T-2.4.1; T-2.4.2; NNW-1.1.11).

The Comp Plan’s Housing Element policies provide additional support for the requested relief. The requested use variance contributes incrementally to citywide goals for balanced growth, housing production in high-cost areas, and the use of regulatory tools, including the BZA process, to enable increased housing supply (H-1.1.1; H-1.1.2; H-1.1.3; H-1.1.8; H-1.2.2; H-1.5.1). The Near Northwest Planning Area, where the Property is located, has constructed only 418 units, approximately 33.4 percent, of its 1,850-unit housing target set in the [Housing Equity Report \(2019\)](#), underscoring the importance of incremental housing opportunities in this high-opportunity area (H-1.2.2; H-1.2.9). See [DMPED 36,000 by 2025 Dashboard](#).

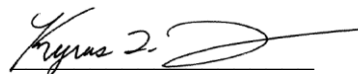
Finally, the requested use variance maintains the surrounding residential character and prevents non-residential encroachment, consistent with policies in the Near Northwest Area Element (NNW-1.1.5; NNW-2.2.1). Located within the Sheridan-Kalorama Historic District, the Existing Building would be rehabilitated rather than demolished, reinforcing the Comp Plan’s emphasis on preservation and context-sensitive infill (LU-2.1.4; NNW-1.1.1). In sum, the requested use variance represents a measured, site-specific mechanism to restore a long-vacant property to active use while advancing the Comp Plan’s housing, preservation, and transportation priorities. In light of these zoning objectives, the requested relief is appropriate and would not result in any substantial impairment to the purpose or integrity of the Zoning Plan.

In sum, the requested use variance represents a measured and context-sensitive approach to reinvesting in an underutilized property. It will not result in any substantial detriment to the public good and will not impair the intent, purpose, or integrity of the Zoning Regulations or Map.

V. Community Outreach and Engagement

The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 2D and falls under the jurisdiction of Single-Member District 2D02. In accordance with Subtitle Y § 300.8(l), the Applicant has apprised the affected ANC of this application. The Applicant also presented the application at ANC 2D’s March 23, 2026, public meeting and anticipates attending the ANC’s April 13, 2026, public meeting.

The Applicant intends to continue to work closely with the ANC to address any issues or concerns and will supplement the record regarding outreach efforts at least 21 days before the public hearing.



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