

**BOARD OF ZONING ADJUSTMENT**  
**SPECIAL EXCEPTION APPLICATION**

**APPLICANT'S STATEMENT OF 3569 WARDER LLC**

**3569 Warder Street, NW; Square 3035, Lot 0820**

## Introduction

1. 3569 Warder LLC (the "Applicant") is the owner of the property located at 3569 Warder St, NW (Square 3035, Lot 0820) (the "Property"), which is zoned RF-1. The existing improvements on the property consist of a two-story plus cellar, single-family dwelling (the "Building"). The Applicant proposes the following:
  - a. Add a third story to the existing Building;
  - b. Add a three-story plus cellar extension to the rear;
  - c. Convert the new structure to five (5) residential units; and
  - d. Create three (3) new parking spaces in back and return one (1) public space in front by removing a curb cut.
2. Accordingly, the Applicant requests special exception approval for this conversion pursuant to Subtitle U § 320.2 and special exception approval for parking under Subtitle C, Section 703.2.

## Description of the Property and the Proposed Project

3. The property is located at 3569 Warder St, NW and is in the RF-1 zone. The property is a deep interior lot, measuring 25ft wide and 180ft deep. The total lot size is 4,500sqft. Abutting the property to the north is an eight (8) unit condominium building. Abutting the property to the south is a single-family dwelling. Warder Street and a public alley abut the property to the west and east, respectively. The area is characterized by a variety of residential uses, including single-family dwellings, flats, and medium apartment buildings.
4. The proposed design concept is to convert the existing single-family residence into five (5) residential units in tandem arrangement; where Unit 1 fronts onto Warder Street NW and Unit 5 abuts the alley in the rear of the property. This orientation is commonly referred to as "mews". Each residential unit will have multiple levels of living, making the units similar to a traditional rowhouse. They will be accessed by a side yard walkway. The intent is to efficiently use the extremely deep lot to provide family-sized housing in a configuration that allows for a sense of place for all of the owners.
5. Below is a proposed site plan for the mews concept.

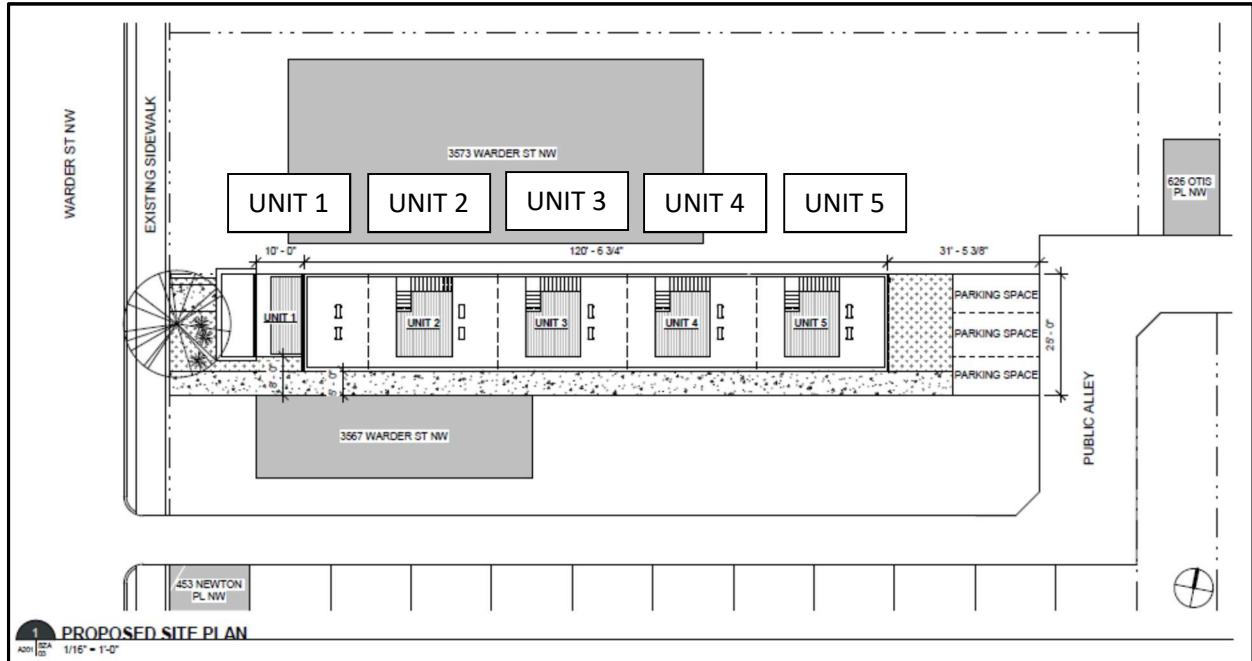


Figure 1

6. The existing single-family home at 3569 Warder St NW may be one of the oldest structures in Park View. In an effort to balance the potentially divergent goals of maintaining historical integrity and allowing a community to grow and prosper with market demand, the Applicant is seeking to keep the first 10ft of the existing front façade and make the exterior fenestration on the new addition consistent with the existing style. As shown in the figure below, the existing front would be maintained, a new addition would be set back at a one-to-one ratio as if it were in a historic district, and the new façade would be consistent with the style currently in place.



Figure 2

7. Community outreach in this area has indicated that the local stakeholders want more family-sized housing. The proposed project is responsive to that demand. Further, the project will provide one (1) Inclusionary Zoning (IZ) unit to increase the supply of affordable housing in the area.
8. Provision of additional housing needs to also be considered in the context of the impact on the adjacent neighbors. Specifically, will the neighbor's light, air, privacy, and views be significantly diminished? The adjacent structure to the north is an eight (8) unit condominium building. It is approximately 93' deep. There will be minimal new impact on the light, air, privacy and views for these neighbors as the proposed new structure mostly would affect the parking area behind 3573 Warder Street NW. Importantly, no windows in the proposed structure will face windows at 3573 Warder. All eight (8) of the owners at 3573 Warder have been notified of the project. The owner of two units has signed the petition in support and signed a statement of non-opposition.
9. The adjacent neighbor to the south at 3567 Warder will also not be significantly impacted. Again, there will not be any windows which will face each other as the structure at 3573 Warder is on the lot line and has a continuous wall without any windows. This neighbor has been fully informed of the project details and has also signed a petition in support and a statement of non-opposition.
10. In addition to addressing the proposed size of the Building, local stakeholders are concerned with any impact on the current supply of parking. The Applicant's proposal includes three (3) new parking spaces in the rear of the property, a letter of intent to purchase an additional one (1) parking space at 3573 Warder Street NW for the use of

new owners at 3569 Warder St, and filling-in an existing curb cut to provide at least one (1) more street parking space. The net impact will be five (5) new parking spaces for the five (5) proposed units.

## Burden of Proof

11. The Applicant is planning to convert an existing single-family residence into a multi-family apartment home. To do so, the Applicant is requesting a Special Exception under Subtitle U, Chapter 3, Section 320.2 and Subtitle C, Section 703.2.

*320.2: Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:*

12. The following are the provisions required for granting a Special Exception, in bold below each point is evidence of how the proposed project meets each requirement.

- (a) *The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);*

**Proposed structure to be 35' in height.**

- (b) *The fourth (4<sup>th</sup>) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;*

**Project proposed a total of five (5) units, including one (1) unit to be developed pursuant to IZ regulations.**

- (c) *There must be an existing residential building on the property at the time of filing an application for a building permit;*

**There is an existing residential building on the property, circa 1908.**

- (d) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;*

**Proposed lot area is 4500 SF, or 900 SF per unit.**

- (e) *An addition shall not extend farther than ten feet (10 ft.) past the farthest rear wall of any adjoining principal residential building on any adjacent property;*

**Proposed structure is not to extend further than 10' beyond the adjoining adjacent neighbor.**

- (f) *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;*

**Adjacent structure to the northeast at 3567 Warder ST NW does have a functioning chimney. Applicant has acquired a chimney extension agreement to extend their chimney to allow for a 3<sup>rd</sup> story and maintain code compliance.**

- (g) *Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:*

(1) *“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and*

(2) *“Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of*

*Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:*

- (A) *Legally permitted, installed, and operating; or*
- (B) *Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;*

**The adjacent properties do not have solar panels.**

- (h) *A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;*

**The applicant is requesting a waiver from this provision pursuant to U-320.2(l) in order to remove and replace the existing porch roof with one resembling that which may have been found on this structure originally. The cornice on the principal structure will be retained and restored without alteration.**

- (i) *Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*
  - (1) *The light and air available to neighboring properties shall not be unduly affected;*
  - (2) *The privacy of use and enjoyment of neighboring properties shall*

*not be unduly compromised; and*

- (3) *The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;*

**The proposed structure will not impede or affect adjacent properties.**

- (j) *In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;*

**The architectural plans, elevations, and 3D images represent the relationships between the proposed project and adjacent properties.**

- (k) *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;*

**The proposed project will comply if required.**

- (l) *The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and*

**As noted above, the applicant is requesting that item 320.2(h) be waived.**

- (m) *An apartment house in an RF-1, RF-2, or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.*

**The existing use is single family.**

13. Additional relief is also being requested per:

*703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*

14. The following are the provisions required for granting a Special Exception, in bold below each point is evidence of how the proposed project meets each requirement.

- (a) *Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

**The 5 units proposed require 3 parking spaces per Table C § 701.5. Because C § 712.3 requires 50% of the required spaces to be full size, the 25' lot is unable to accommodate the (2) Full Size and (1) Compact spaces required. We are seeking relief under C § 703.2 (a) to reduce the required parking to two (2) spaces so to be able to satisfy that requirement with (1) Full Size and (1) Compact parking space. Such relief would allow us to include an addition non-required Compact space on the property to offset the impact of the relief being granted.**

## Conclusion

15. Granting a special exception will allow for the Applicant to convert the existing single-family home into a 5-unit multi-family structure. One of the units will be Inclusionary Zoning and the Applicant will provide five (5) parking spaces with the new project. The surrounding area is comprised of similarly sized buildings and the conversion will have minimal effect on the light, air, privacy, and views of the adjacent properties. Significant noise and traffic are not expected to become a factor with the completion of the project.
16. The community stakeholders emphasized repeatedly that the core character of the neighborhood changes when smaller units are built because it doesn't allow people to begin a family. It accelerates the turnover period for housing and sets up a cycle of transient neighbors who are less invested in the neighborhood. The existing neighbors were clear about not wanting housing that has a short shelf life in the natural progression of a family. The mews design with rowhouses oriented depth-wise along the lot properly addresses their concerns. This is a great opportunity to achieve an



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excellent balance between community feedback, affordable housing, improved community safety (eliminate curb cut out front) and considerate design for the best use of an exceedingly deep lot.