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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 26, 2013

SUBJECT: BZA Case 18675 – 1617-1619 19th Street, NW

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18675

EXHIBIT NO. 25

I. RECOMMENDATION

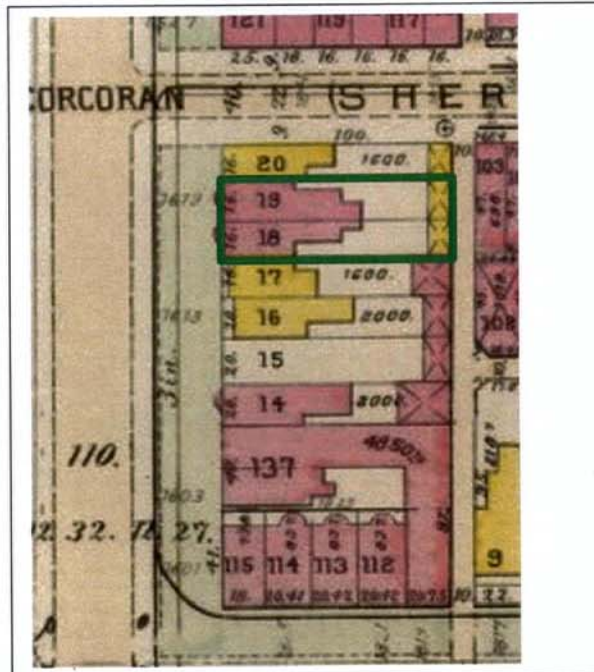
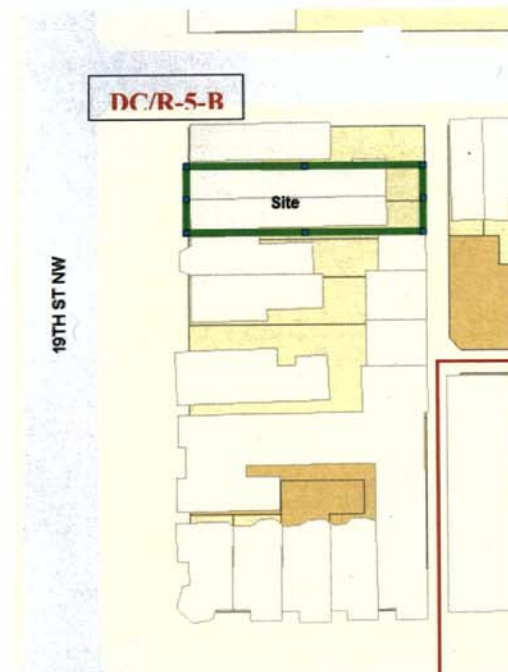
The Office of Planning (OP) cannot recommend approval of the following variance requests to enable construction of one two-story carriage house with a connection to the principal structure on each of two adjacent Lots 18 and 19 on Square 134 lots in the Dupont Circle neighborhood of northwest Washington, DC.

- § 402.4, FAR (1.8 permitted; Lot 18, proposed 2.1; Lot 19, proposed 2.2);
- § 403.2, Lot Occupancy (60% permitted; Lot 18, proposed 77%; Lot 19, proposed 88%);
- § 404.1, Minimum Rear Yard (≥ 15 ft. required; Lots 18 and 19, proposed no rear yard);
- § 406.1, Open Court Width (≥ 6 ft. width required if provided; Lot 18, 4.5; Lot 19 n/a);
- § 406.1, Closed Court Width & Area (≥ 15 ft. width, 350 sf required; Lot 18, proposed 4.4 ft. width and 330 sf; Lot 19, proposed 10.75 ft. width and 133 sf);
- § 2001.3, Additions to Nonconforming Structures [nonconforming for lot occupancy (60% maximum permitted; Lot 18, 66% existing; Lot 19, 67% existing) and closed court (at least 350 sf required; Lot 18 none; Lot 19, 37 sf existing).

II. LOCATION AND SITE DESCRIPTION

Address	1617-19 19 th St., NW	Legal Description	Square 134 Lots 18, 19	Ward/ANC: 2B
Owner	David & Cathy Brooker	Agent:	Dennis B. Lee	
Lots:	Two rectangular 16 ft. by 100 ft. pre-1958 lots, with rear alley			
Zoning:	DC/R-5-B– moderate height and density residential... (§ 350.2).			
Historic District	Dupont Circle			
Existing Development:	1617: Three-story, 3-unit apartment building 1619: Three story, single-family, owner-occupied residence			
Adjacent Properties:	Similar row dwellings, used as single-family or apartment residences.			
Neighborhood Character:	Blocks of similar row houses, with 60 to 90 foot apartment blocks.			

Project Description: Removal of later additions to existing buildings. Construction of a two-story garage with 2nd floor apartment, green roof, and electric charging station on each of the two lots. Each would be considered an addition due to construction of a covered, possibly enclosed, passageway connecting the garage to the existing building.



Existing –additions, no structures on alley 1919 Baist Map – no additions, structures on alley
Lot 18 – 1617 19th Street, NW --is to the south. Lot 19 – 1619 19th Street – is to the north in both maps.

III. APPLICATION IN BRIEF

The applicants own two adjacent lots on the east side of 19th Street, near Corcoran Street, in the DC/R-5-B zone of the Dupont Circle historic district. The applicants live in the three-story building on Lot 18 and rent-out the three units in the building on Lot 19, to the north. The applicants wish to extend the cellar on the apartment building, remove post-original additions on both buildings, construct new additions on each building, install an elevator in the residence on Lot 19, construct a two-story “carriage house”/ garage and 2nd story residential unit on each lot, and connect each garage/dwelling unit to each main structure by a covered, and possibly enclosed walkway. Each carriage house would be approximately the same size as each lot’s original carriage house that was torn down in the first-half of the twentieth century. Each would be covered by a green roof.

On Lot 18 the existing open court would become part of a larger closed court bounded by the southern property line, the new carriage house, the main building and the connecting passageway. On Lot 18, existing closed courts would be filled in. and the existing open court at the rear would become part of a smaller closed court bounded by the property line on the north, the new carriage house, the existing main building and the connecting passageway. Details are shown on Sheet A 0.2 of the applicants’ 9/14/13 architectural drawings.

Following conversations with OP, the applicants have agreed to increase each project’s sustainability profile by narrowing the passageways to somewhat decrease lot occupancy and permit an increase in each courtyard’s pervious surfaces and to install high-capacity electric vehicle charges in each garage.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

DC / R-5-B	Regulation		Existing		Proposed		Relief	
Square 134	Lot 18	Lot 19	Lot 18	Lot 19	Lot 18	Lot 19	Lot 18	Lot 19
Lot Area (sf)	Not prescribed	Not prescribed	1608	1608	No change	No change	n/a	n/a
Lot Width (ft.)	Not prescribed	Not prescribed	16.1	16.2	No change	No change	n/a	n/a
Height (ft.) § 400	50 ft. max.	50 ft. Max.	34	34	No change at front. (21st alley)	No change at front. (21st alley)	None	None
§ 402.4 Floor Area Ratio	1.8	1.8	1.8	1.7	2.1	2.2	0.3	0.4
§ 403 Lot Occupancy (%)	60 max.	60 max.	66%	67%	77%	88%	17%	28%
§ 404.1 Rear Yard (ft.)	15	15	17	16.75	0	0	15 ft. variance	15 ft. variance
§ 405 Side Yard (ft.)	None required	None required	none	none	none	none	none	none
§ 406.1 Open Court Width (ft.), if provided	at least 6	at least 6	4.5	14.8	none	none	none	none
§ 406.1 Closed Court, if provided	At least 15 ft. width; at least 350 sf	At least 15 ft. width; at least 350 sf	none	4 x 9.9 = 37sf; 3.1 x 15.7 = 269 sf	4.4 ft. to 16.1 ft. width. 330 sf	10.75 ft. width, 133 sf	10.6 ft. width. 20 sf area	4.25 ft. width. 217 sf area
Parking	2	1	1	1	1	1	Historic?	none
Additions to Nonconforming Structures § 2001.3	The addition: a) Shall conform to lot occ. b) Shall conform to structure requirements; shall not extend an existing nonconformity		Nonconforming lot occupancy for both lots, open court for Lot 19 and parking for Lot 18		For both lots, increasing nonconformities for lot occupancy and establishing new nonconformity for rear yard. Eliminating open and closed court nonconformities.		Requested	

V. OP ANALYSIS

In order to be granted a variance, the applicants must show that they meet the three part test described in §3103:

1. **Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions that;**
2. **Impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The applicants have not demonstrated this specific uniqueness. The lots are level and flat. The existing residential structures are not overly small, comprising approximately 900 to 950 square feet on each of three floors. Carriage houses have been absent from the property for at least 70 years. The north-adjacent residence at 1621 19th Street also lacks its original carriage house, as do many other residences in Dupont Circle. There appear to be no exceptional conditions leading to a practical difficulty. Ten of the eleven practical difficulties listed by the applicants appear to assume the construction of the garages and then posit the practical difficulties that would result if other portions of the properties were required to comply with the zoning regulations *after* the garages were built. The applicants do not explore whether objectives such as the installation of an elevator in the single-family house, additional storage space, living area for a possible hospice care giver, and additional privacy and security at the rear of the buildings could be met by other solutions that would not require as high a degree of relief.

3. **Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Yes. The applicants would be returning the properties to an appearance more consistent with the historic neighborhood's pattern while installing upgrades that are common to contemporary living standards in the area. There would appear to be no substantial impacts on the light, air and privacy available to adjacent properties, as the owners of those properties, several nearby properties, and several neighborhood groups have registered support for the proposed changes. The applicants would also reduce the properties' impacts on the District through increased permeability of what are now paved surfaces and through green roofs atop the new garages.

While the Zoning Regulations are intended to guide building patterns in a given zone, the subject structures and surrounding structures pre-date the existing regulations. The proposed changes would not significantly deviate from the established character of the neighborhood. As the applicants' Exhibit F shows, of fifty R-5-B zoned properties within a block of the applicants' sites, forty are non-conforming with respect to the permitted 60 % lot occupancy, and of these eighteen exceed 80% lot occupancy.

VI. HISTORIC PRESERVATION

The subject site is located in the Dupont Circle Historic District. The proposed design has received concept approval from the Historic Preservation Review Board (HPRB) and a resolution of support from the Dupont Circle Conservancy.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

ANC2B voted to support the proposed changes at the HPRB hearing, as did the Dupont Circle Conservancy. The applicants have filed supportive documents from seven neighbors. All documents refer to support of the proposed improvements. They do not refer to the requested zoning relief, *per se*.