

Collins, Christopher H (WAS - X77841)

From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Thursday, January 14, 2016 4:42 PM
To: Collins, Christopher H (WAS - X77841)
Subject: RE: Request for confirmation--1735 Fraser Court NW Square 110, Lot 819)

Chris Collins- I agree with the analysis and conclusions in your below emails, and the cited attachments.

Best Regards,

Matthew Le Grant

Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
FAX: 202 442-4871
Email: matt.legrant@dc.gov
Web: <http://dcra.dc.gov/service/zoning-dcra>

From: chris.collins@hklaw.com [mailto:chris.collins@hklaw.com]
Sent: Monday, January 04, 2016 3:52 PM
To: LeGrant, Matt (DCRA)
Subject: FW: Request for confirmation--1735 Fraser Court NW Square 110, Lot 819)

Matt—A friendly reminder.....

Christopher H. Collins, LEED AP | Holland & Knight

Partner
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From: Collins, Christopher H (WAS - X77841)
Sent: Monday, December 07, 2015 7:58 PM
To: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Subject: Request for confirmation--1735 Fraser Court NW Square 110, Lot 819)

Dear Mr. LeGrant—This is a request that you confirm the matters discussed in our recent meeting regarding the proposed renovation of the house at the above property. The property is zoned DC/R-5-B and is occupied by the former

Board of Zoning Adjustment
Site No. 1735
CASE NO. 19855
EXHIBIT NO.34

carriage house of the Fraser Mansion. The carriage house was converted a number of years ago to dwelling use. In 1998, the BZA allowed the subdivision of then-lots 58 and 805 into a single record lot in order to allow construction, alteration and repair, for human habitation, of a building on an alley lot. The attached Baist Atlas plat shows that the alley lot (former Lots 58 and 805) abuts an alley 30 ft. wide. There are several plans and photos attached, which illustrate the property. The BZA Order, and the Covenant referenced in that Order, are also attached.

The house consists of three floors - Ground(First), Second and Third. There is a small 7'-6" deep single story addition on the rear of the house and the owner would like to add an additional story above it. The third floor consists of a Roof deck and Master/Guest bedroom suites. The owner would also like to add an elevator that would add to the footprint on the third floor (taking away part of the existing roof deck).

The zoning computations for the property are as follows:

Height—32', 2"

Gross floor area/FAR—4398 sq. ft./2.39 FAR

Lot occupancy—approx. 98%

Rear yard—none provided

Side yard—none required

The house is therefore nonconforming as to height, FAR, and lot occupancy. The building is not nonconforming as to rear yard because of Section 404.4.

In our meeting, we discussed the following:

Section 2507-Buildings on Alley Lots

-2507.1—Complies. The building is a single family dwelling, and was most recently approved as such pursuant to BZA Order No. 16319.

-2507.2—Not applicable. The house already exists.

-2507.3—Not applicable. The house abuts a 30 ft. wide lot. See attached Baist Atlas plat.

-2507.4—Not applicable. The house already exists.

-2507.5—Not applicable.

-2507.6—Not applicable.

Section 2001—Nonconforming Structure Devoted To Conforming Use

-2001.2—The addition of an elevator into the building is an ordinary repair, alteration or modernization, and will be permitted provided that the top of the elevator enclosure does not exceed the existing height of the building.

-2001.3(a)—The house does not conform to lot occupancy. A variance is required for the proposed second floor addition.

-2001.3(b)(1)—The second floor addition will exceed the permitted gross floor area. A variance is required.

-2001.3(b)(2)—The second floor addition will increase/extend the nonconforming gross floor area of the building. A variance is required.

Please confirm your understanding of the matters above by return email. Thank you.

Respectfully,

Christopher H. Collins, LEED AP | Holland & Knight

Partner

Holland & Knight LLP

800 17th Street N.W., Suite 1100 | Washington, DC 20006

Phone 202.457.7841 | Fax 202.955.5564

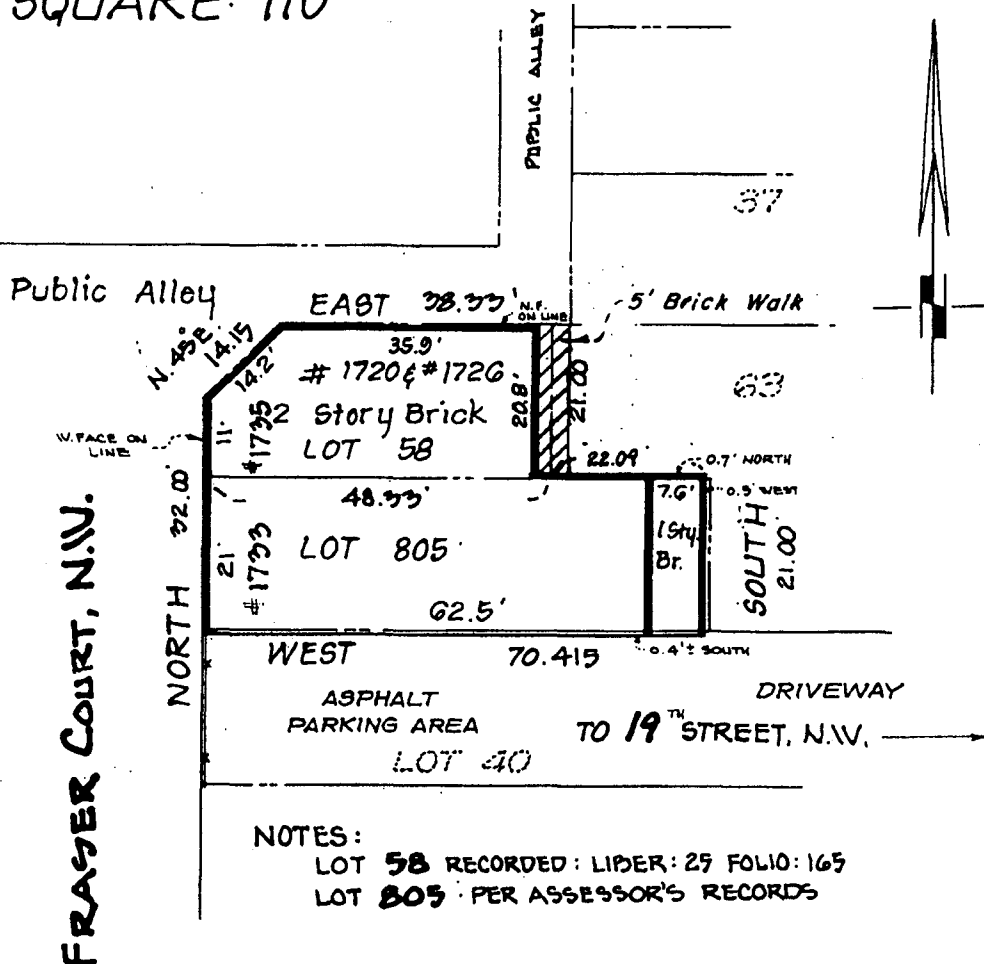
chris.collins@hklaw.com | www.hklaw.com

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LANDTECH ASSOCIATES, INC.
7807 BALTIMORE AVENUE SUITE 214
COLLEGE PARK, MARYLAND 20740

SQUARE: 110



NOTE: THIS PROPERTY LIES IN FLOOD
ZONE C, AN AREA OF MINIMAL FLOODING
AS DELINEATED ON THE MAPS OF THE
NATIONAL FLOOD INSURANCE PROGRAM



REVISED: 10-17-96
REVISED: 3-31-97

NO TITLE REPORT FURNISHED

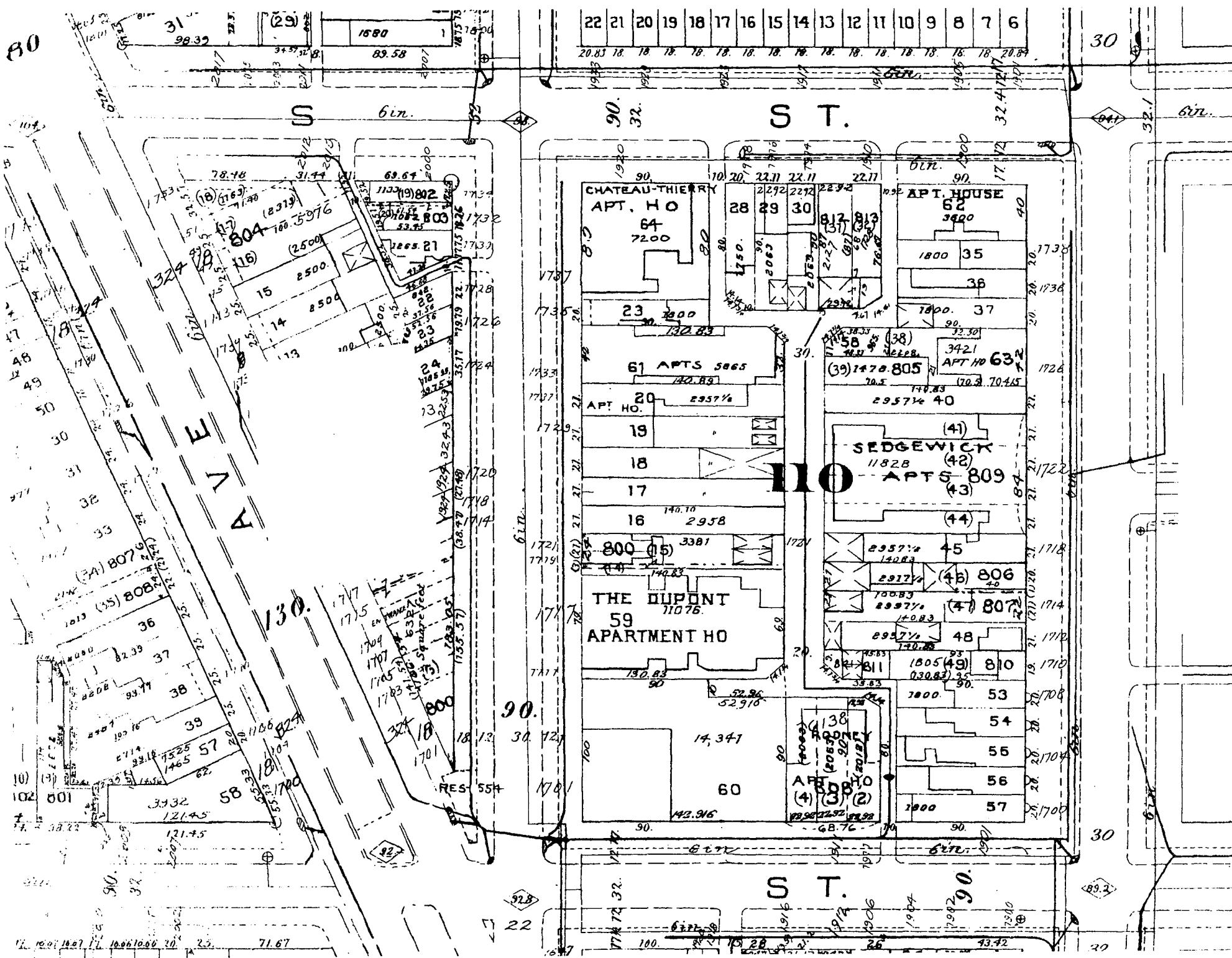
LOCATION SURVEY OF
1735 FRASER COURT, N.W.
WASHINGTON, D.C.

LOT: 58, 805
LIBER: See Note
DATE: April 22, 1999
CASE NO: 99-1065

SQUARE: 110
FOLIO: Above
SCALE: 1" = 20'
FILE NO: ASC 99049

CERTIFICATION: I hereby certify that the position of all the existing visible improvements on the above described property has been carefully established in relation to the apparent title lines and that, unless otherwise shown, there are no visible encroachments. This is not a property line survey and should not be used for the erection of fences or any other improvements or for permit applications.

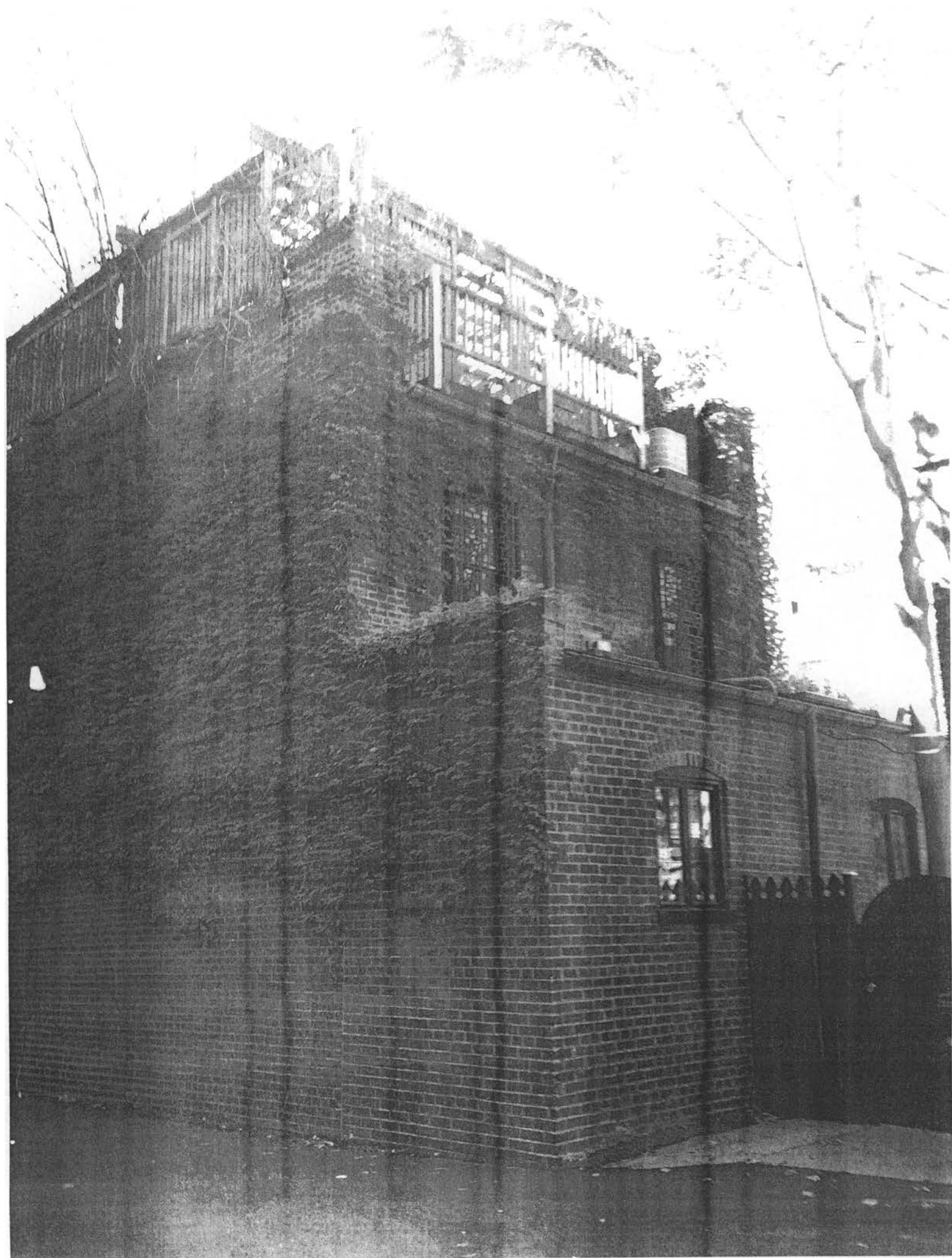
GRADEN A. ROGERS ~ PROP. L.S. MD. LIC. NO. 119

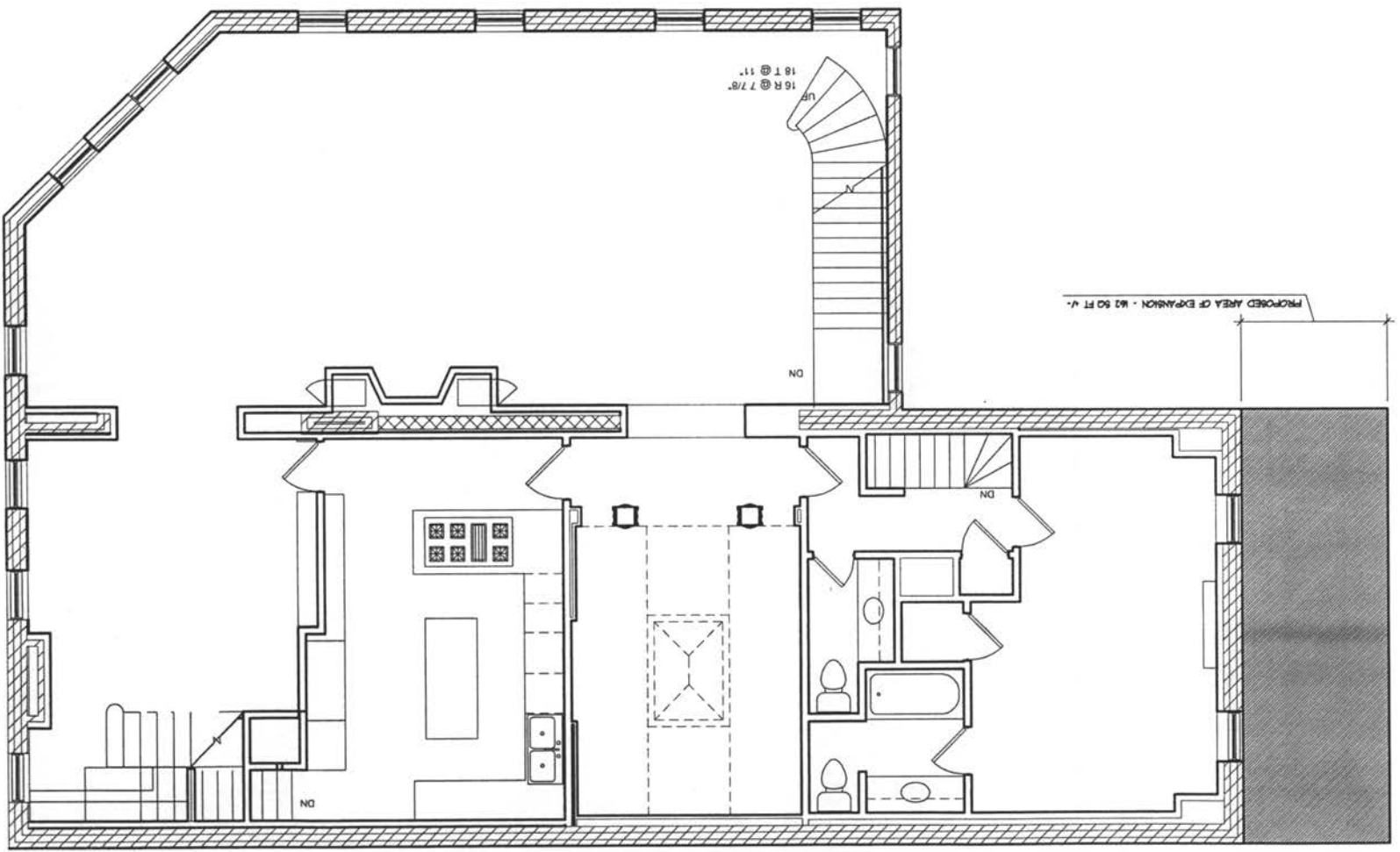


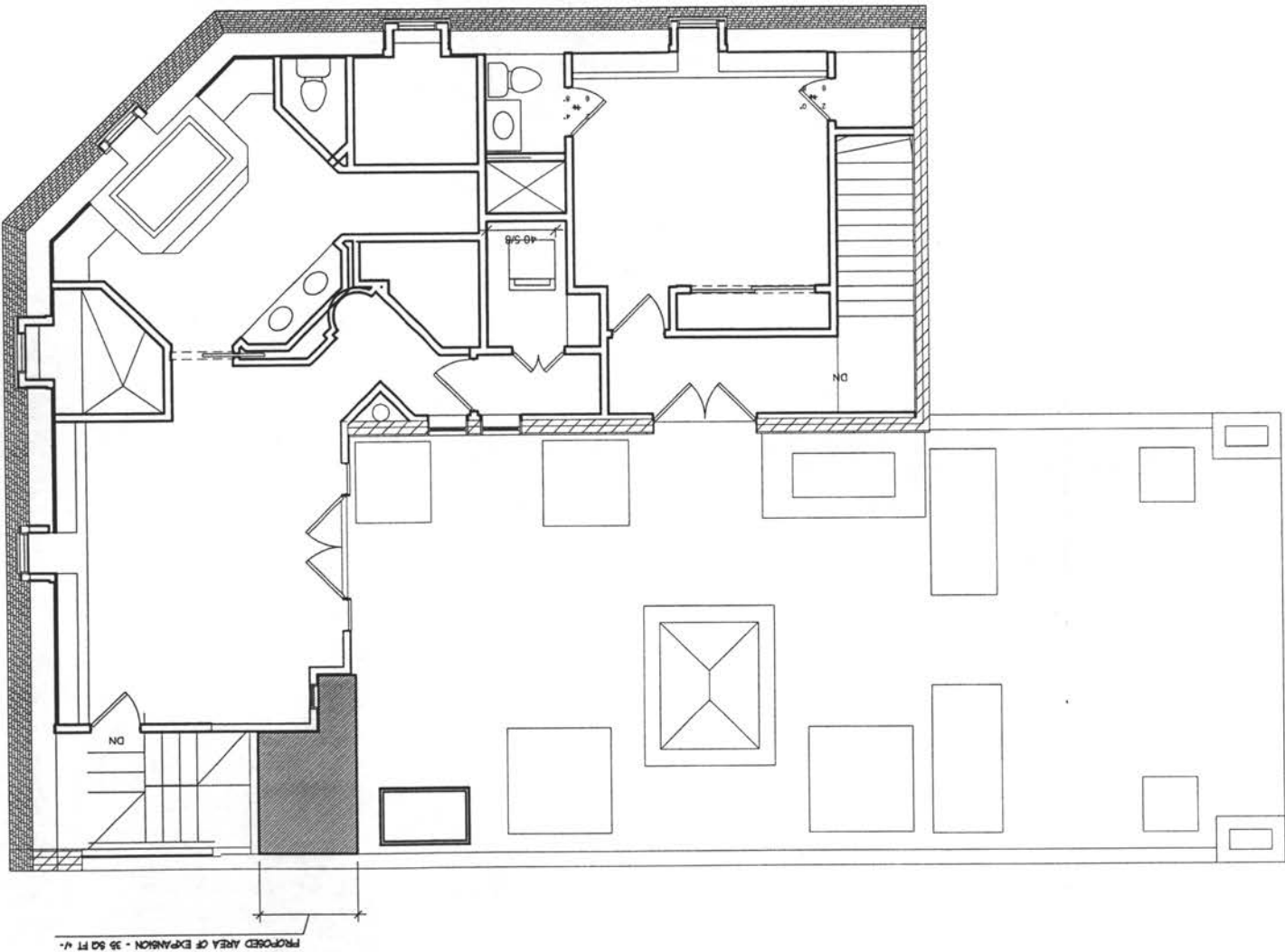












COVENANT

This Covenant made this 5th day of March, 1998, by AUSTIN FITTS, a resident of the District of Columbia ("Pitts").

RECITALS

WHEREAS, Pitts is the owner of real property located at "Rear" 1910 S St., N.W., the District of Columbia, specifically described as Lots fifty-eight (58) and eight hundred five (805) in Square 110. (A copy of the complete legal description is attached hereto as Schedule A.)

WHEREAS, G. Lawrence Adams is the owner of real property located at 1726 19th Street, N.W., in the District of Columbia, specifically described as Lot 63, Square 110. (Lot 63 was redesignated by the District of Columbia in 1980 as Lots 2049 through 2063. Notwithstanding this redesignation, this Covenant refers to Lot 63 for the sake of consistency with references in other relevant documents.)

WHEREAS, the easement which is the subject matter of this covenant is specifically described as that two-foot, six-inch wide portion of lot 63 which borders upon lot 58, creating a five-foot wide easement between lot 58 and lot 63 for alley purposes ("the Easement").

WHEREAS by court order dated June 25, 1996, the District of Columbia Court of Appeals opined in Case No. CA 4177-94 that the Easement which benefitted lot 58 did not also benefit lot 805.

WHEREAS, at the February 18, 1998 hearing, the Board of Zoning Adjustment ("BZA") approved Pitts' Application for Variance, No. 16319, that would allow, in pertinent part, the merging of lots 58 and 805.

WHEREAS, the BZA approved the consolidation of lots 58 and 805, provided that upon consolidation, there would be no future attempt to apply the Easement to the former lot 805 and that Pitts would enter into a written agreement regarding this restriction on the use of the property.

WITNESSETH

Therefore, for the reasons set forth above, and in consideration of the BZAs' approval of the Application for Variance No. 16319, and in consideration of Adams' waiver of opposition to the aforementioned application, Pitts hereby agrees as follows:

98030514081

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16319 of Austin Fitts, pursuant to 11 DCMR 3107.2 for a variance from the provisions of Subsection 401.6 to allow the subdivision of land without street frontage; and a variance from the provisions of Subsection 2507.2 to allow construction, alteration and repair, for human habitation, of an existing structure located on an alley lot which does not abut an alley that is 30 feet or more in width and does not have access to a street through an alley or alleys not less than 30 feet in width in a DCOD/R-5-B District at premises 1720 and the Rear of 1726 19th Street, N.W. (Square 110, Lot 58 and the Remainder of Lot 39).

HEARING DATE: February 18, 1998
DECISION DATE: February 18, 1998 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR Subsection 350.4. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

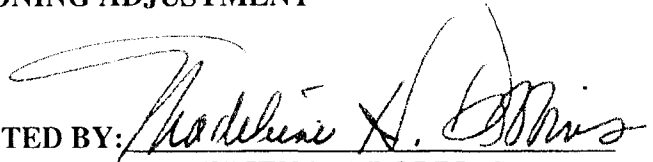
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief 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. It is therefore **ORDERED** that this application is **GRANTED**, **SUBJECT** to the **CONDITION** that the applicant shall provide a written statement to Mr. G. Adams (owner of 1726 19th Street, N.W.) promising that any changes that result from the granting of this variance shall not affect the **easement** currently held by Mr. Adams for the rear of lot 58.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Betty King, Jerrily R. Kress, Susan Morgan Hinton and Sheila Cross Reid to grant; Laura M. Richards not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAR 9 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16319/JN/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16319

As Director of the Board of Zoning Adjustment, I certify and attest that on March 9 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Leslie A. Nettleford, Esquire
Kass and Skalet, P.L.L.C.
1050 17th Street, N.W., Suite 1100
Washington, D.C. 20036-5596

Ron M. Friday
4215 East Capitol Street, S.E., #4
Washington, D.C. 20019

Kyle Pitsor, Chairperson
Advisory Neighborhood Commission 2B
Dupont Circle
P.O. Box 33224
Washington, D.C. 20033

Attested By:

A handwritten signature in dark ink, appearing to read "Madeliene H. Dobbins", written over a horizontal line.

MADELIENE H. DOBBINS
Director

Date: MAR 9 1998