



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: May 3, 2016

SUBJECT: BZA Case 19255 -- 1735 Fraser Court, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends the Board **deny** the following self-certified variance relief, which would enable an increase in FAR for the construction of additions to a three-story carriage house in the Dupont Circle neighborhood of northwest Washington, DC:

- § 2001.3, Additions to Nonconforming Structures (1.8 FAR permitted; 2.38 existing; 2.46 proposed)

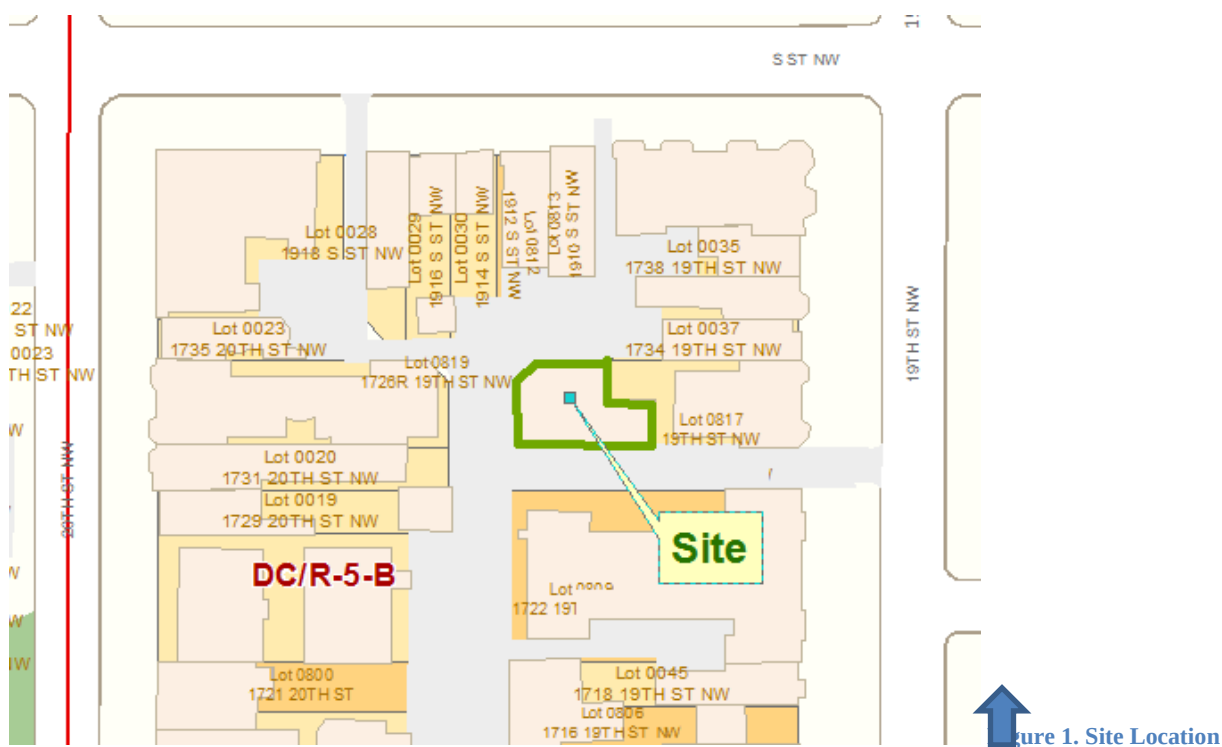
The applicant has noted that structure is also non-conforming with respect to lot occupancy and height and appears to be non-conforming for rear yard and open court dimensions. (See Table 1,

The application appears to also require relief from § 402.2's limitation on FAR, in addition to the requested § 2001.3 variance.

II. LOCATION AND SITE DESCRIPTION

Address	19255 – 1735 Fraser Ct., NW
Applicant:	David G. Helfrich
Legal Description	Square 110, Lot 819
Ward / ANC	Ward 2; ANC 2B
Zone	DC/R-5-B
Historic Resource	Dupont Circle Historic District
Lot Characteristics	The flat, L-shaped alley lot is bounded by 19 th , 20 th , R and S Streets, NW. It shares a lot line with property to east, and is bordered on three sides by alleys, one of which is 30 feet wide. The alleys connecting to the surrounding streets vary from 10 feet to 20 feet wide.

Existing Development	The lot is improved with an approximately 5500 SF 19 th century carriage house of 2 full stories and one partial story. The structure effectively occupies its entire lot, with parking, storage and flexible living space on the ground floor, and with the main living and sleeping areas on the second and third floors. The applicant has not submitted existing floor plans.
Adjacent and Nearby Properties	A single family residence abuts the property, to the east. Nearby are rowhouses occupied by one or more households, and mid-rise apartment buildings.
Surrounding Neighborhood	Within two blocks are a mix of row houses and four to seven story apartments, with low and moderate density neighborhood commercial uses nearby.
Proposed Development	The existing structure contain 2 parking spaces, storage and some living area on the first floor and is devoted entirely to living spaces on the second and third floors. The applicant proposes to add 170 feet of GFA to the second floor to permit conversion of an area into a code-compliant 3 rd bedroom, and to add 37 feet of GFA to the third floor to permit elevator access to all floors and a roof deck. Mechanical equipment would be atop the roof, screened by a five foot high enclosure set back at a greater than 1:1 ratio from all exterior and side walls.



III. APPLICATION IN BRIEF

The historic carriage house in the Dupont Circle Historic District has been occupied as a single family dwelling for over two decades. The applicant wishes to construct a 7.6 foot by 21 foot, 170 SF addition to the east end of the second floor and to install an elevator that would add 37 square feet to the third floor. Because the structure is non-conforming for height and FAR (and probably rear yard and open court) and because the 207 GSF of additions would increase the FAR by 0.08%., the applicant is asking for relief from §2001.3.

Although not requested, the proposal appears to require concurrent relief from the actual lot occupancy limitations of § 402.2, for which OP has also evaluated the application.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

DC / R-5-B	Regulation	Existing	Proposed	Relief Needed
Lot Area (sf)	Not prescribed	2443 sf	No change	n/a
Lot Width (ft.)	Not prescribed	42 ft.	No change	n/a
Height (ft.) § 2507.3	30 ft. max. for alley structure	32.2 ft.	No change	Grandfathered non-conformity
FAR § 402.4	1.8	2.38	2.46	0.08
Lot Occupancy (%) § 403	60 % max.	97.1%	No change	Grandfathered non-conformity
Rear Yard (ft.) § 404.1	15	0	0	Grandfathered non-conformity
Side Yard (ft.) § 405	None required	none	none	none
Open Court Width (ft.), if provided § 406.1	at least 6 ft. wide	~ 2 ft. wide x 21 ft. deep	No change	Grandfathered Non-conformity
Closed Court, if provided , § 406.1	At least 15 ft. width; at least 350 sf	~ 21 ft. x 65 ft. = ~ 1365 SF	No change	none
Parking	1	2	No change	none
Penthouse § 411	Mechanical equipment only; 1:1 setback	none	Mechanical equipment only; 1:1 setback	none
Additions to Nonconforming Structures § 2001.3	The addition: a) Shall conform to lot occupancy and dimensional requirements; and shall not extend an existing nonconformity	Nonconforming for lot occupancy, height, lot occupancy for both lots, open court for Lot 19 and parking for Lot 18	0..8% increase in the non-conformity FAR	Requested

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 774.1 and § 2001.3

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant states that the building's historic status and preservation easements placed on its facades constitute exceptional difficulties that result in the practical difficulty of being prevented from enlarging the existing openings to provide code-compliant egress from a bedroom the applicant wishes to build on the third floor. The applicant demonstrates this for locations involving each building wall having alley frontage.

The applicant has not demonstrated this for alternatives that do not involve the principal facades.

The 170 SF addition for the proposed third bedroom would achieve code compliance by removing all of the easternmost wall on the second floor, extending the area behind it by 7.5 feet eastward and constructing two code compliant windows in the new wall. The applicant has not demonstrated that interior alterations on the over 2000 SF second floor would not allow the insertion of a third bedroom with new code compliant windows in the existing easternmost wall. Such an approach would not add to the non-conforming FAR. The applicant has also not addressed how the absence of a third bedroom constitutes a practical difficulty. Without these considerations being addressed the applicant has not demonstrated there is an exceptional situation that would result in a practical difficulty if the requested relief for the second floor addition were not granted.

With respect to the additional 37 SF addition to the third floor to accommodate the proposed elevator, the applicant not yet demonstrated an exploration of alternative technical or locational solutions that would not increase FAR. The applicant has not, therefore, demonstrated the exceptional condition that would result in a practical difficulty if the requested relief for the third floor addition were not granted.

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?

Granting the requested relief would not likely have a significant impact on the public good. The additions would not be visible from surrounding streets and only tangentially visible from one section of alley. All would be screened from neighboring properties. There should be no impact on light, air or privacy.

The proposed changes would not significantly deviate from the established character of the neighborhood and would not impact the integrity of the historic district.

Although the proposed 0.08 FAR increase is small, the dwelling is already well over the bulk anticipated for this zone. However, given the small increase, if the applicant were to demonstrate satisfaction of the first two parts of the variance test, the granting of the requested relief would not have a substantial negative impact on the zoning regulations.

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).

VII. COMMENTS OF OTHER DISTRICT AGENCIES

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

VIII. COMMUNITY COMMENTS

ANC2B voted 7-0 to support the proposed requested relief, as did the only neighbor whose property abuts the applicant's and 8 other residents within one block of the applicant's property