

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

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

DATE: June 8, 2016

SUBJECT: BZA Case 19255 -- 1735 Fraser Court, NW – Supplemental Report

I. BACKGROUND

The Board continued this case's hearing from May 10, 2016 and encouraged the applicant to work with the Office of Planning (OP) to refine and correct its application and architectural submissions. The applicant had requested variance relief from FAR limitations to construct a 170 square foot bedroom addition and a 37 square foot elevator penthouse for a carriage house listed as a contributing structure to the Dupont Circle Historic District. The applicant has since met with OP twice, including one on-site meeting and one meeting with the applicant's new legal counsel. Subsequently, the application has been revised, and updated architectural drawings and other information has been submitted. The most significant change is in the layout of the two bedrooms on the second floor. Their locations have been shifted so that neither bedroom would be dependent on an at-risk window for emergency egress.

II. RECOMMENDATION

OP recommends the Board consider the requested relief separately for the proposed bedroom separately from the requested relief for the proposed elevator.

In this context, based on the supplemental information sent to OP on June 7, 2016, OP recommends the Board **approve** the following portion of the requested variance relief, subject to its being applied only for the proposed 170 square foot bedroom addition to the eastern end of the second floor:

- § 402.2, Floor Area Ratio (1.8 FAR permitted; 2.38 existing; 2.46 proposed);
- § 2001.3, Additions to Nonconforming Structures (The applicant notes the structure is non-conforming with respect to lot occupancy and height and appears to be non-conforming for rear yard and open court dimensions).

Recommends further recommends the Board **deny** the following portion of the requested variance relief, which is requested for the proposed elevator:

- § 402.2, Floor Area Ratio (1.8 FAR permitted; 2.38 existing; 0.01 proposed for only the elevator on the third floor).

III. 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 in the center of a Square 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 stable with two 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.
Adjacent and Nearby Properties	An apartment building and its parking lot abut the property, to the east. Both apartment buildings and rowhouses occupy lots across the alleys bordering the applicant's property.
Surrounding Neighborhood	Within two blocks is 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 contains 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 for the family's two children, and to add an elevator with a 37 square foot footprint in the southwest corner of the building. 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.



Figure 1. Site Location

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 § 405	None required	none	none	none
Open Court Width, 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	Conforming, atop partial third floor	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 OF THE REQUESTED VARIANCE RELIEF FROM §§ 774.1 AND 2001.3

i. Demonstration of an Exceptional Situation Resulting in a Practical Difficulty

The applicant has demonstrated that there are exceptional conditions that would lead to a practical difficulty in locating a third bedroom in the building without being granted FAR relief. However, this test has not been demonstrated for the proposed elevator.

With respect to the requested 0.07 FAR relief for the bedroom, the applicant has demonstrated that a combination of several exceptional conditions would result in a practical difficulty without the relief requested for the additional bedroom. The exceptional conditions include: the irregular shape and smaller-than-average size of the lot; the unusual nature of the building's having been constructed as a stables rather than a residence; the historic-preservation-related restrictions placed by the L'Enfant Trust on enlarging any existing windows on the north, east and west walls; restrictions on locating an emergency egress window for a bedroom on party wall where the window would be at-risk; the lack of code compliant emergency openings on the ground floor and north face of the third floor. The applicant has demonstrated that, together, these result in a practical difficulty in locating an additional bedroom anywhere other than the eastern end of the second floor. The applicant has further demonstrated that the size and layout of that portion of the building would preclude locating two bedrooms there without the additional square footage the 0.07 FAR relief would enable.

The applicant has also explored the alternative locations for a third bedroom that were suggested at the May hearing. The applicant and OP have determined that none of the suggested locations could be made code-compliant due to one or more of the cited exceptional circumstances.

With respect to the 0.01 FAR relief requested for the proposed elevator, while the applicant has demonstrated that none of the existing stairs between the first and second floors are code compliant, the applicant has not demonstrated the exceptional conditions that would lead to a practical difficulty if the FAR variance for the elevator were not granted. The applicant does not seem to have given full consideration to the alternative locations and technologies¹ suggested at the May hearing that might enable placing the elevator between the second and third floor at a location where it would result in no additional FAR.

ii. Can the Relief be Granted without Substantial Detriment to the Public Good?

Granting either or both of the relief requests 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 integrated into the existing design of the historic structure and would be screened from neighboring properties. There should be no significant impact on light, air or privacy, or the character of the neighborhood or historic district.

iii. Can the Relief be Granted without Substantially Impairing the Intent, Purpose and Integrity of the Zoning Regulations and Map?

For the 0.07 FAR relief requested for the additional bedroom, the applicant has demonstrated the exceptional circumstances that would lead to a practical difficulty for the applicant if the relief were not granted, as well as the lack of a detrimental impact on nearby properties or the public good. Given this, even though the structure is already 0.58 FAR and 2 feet over the bulk and height anticipated for this zone, granting the requested 0.07 FAR relief for the bedroom addition would not likely have a substantial impact on the intent, purpose and integrity of the zoning regulations and map.

The applicant has not, however, demonstrated exceptional circumstances leading to a practical difficulty if relief were not granted for the requested 0.01 FAR increase for the continuation of the proposed elevator to the third in the proposed location. Without a demonstration of how this first test is met, the granting of the requested relief for the elevator could pose substantial harm to the purpose of 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

ANC 2B 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

¹ E.g., a hydraulic or vacuum elevator in the proposed location between the first and second floors, and a vacuum or pneumatic-based elevator between the second and third floors, located within the existing second and third floor footprint.