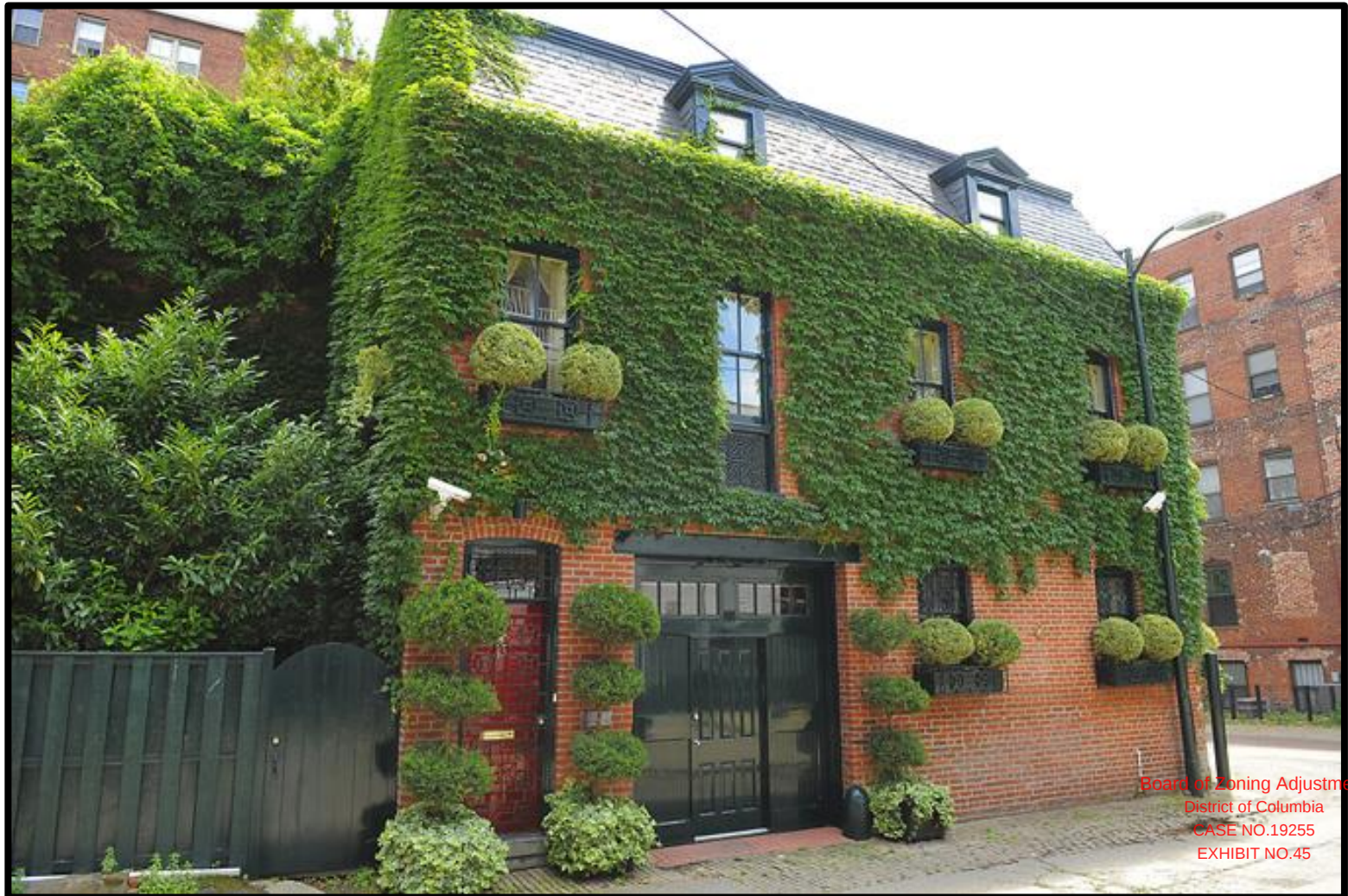


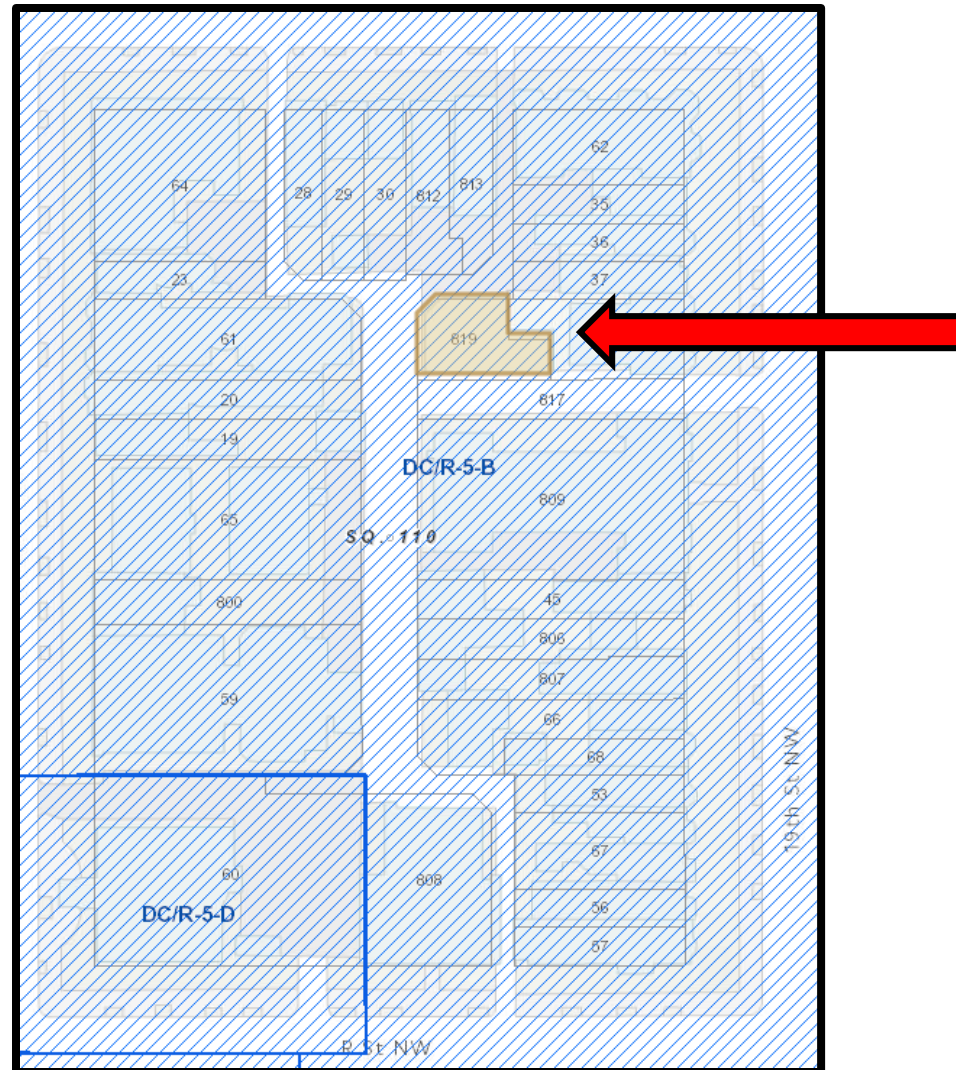
BZA Application:
1735 Fraser Ct. NW
BZA Case No. 19255

Presented by:
Meridith H. Moldenhauer
Griffin, Murphy,
Moldenhauer & Wiggins, LLP

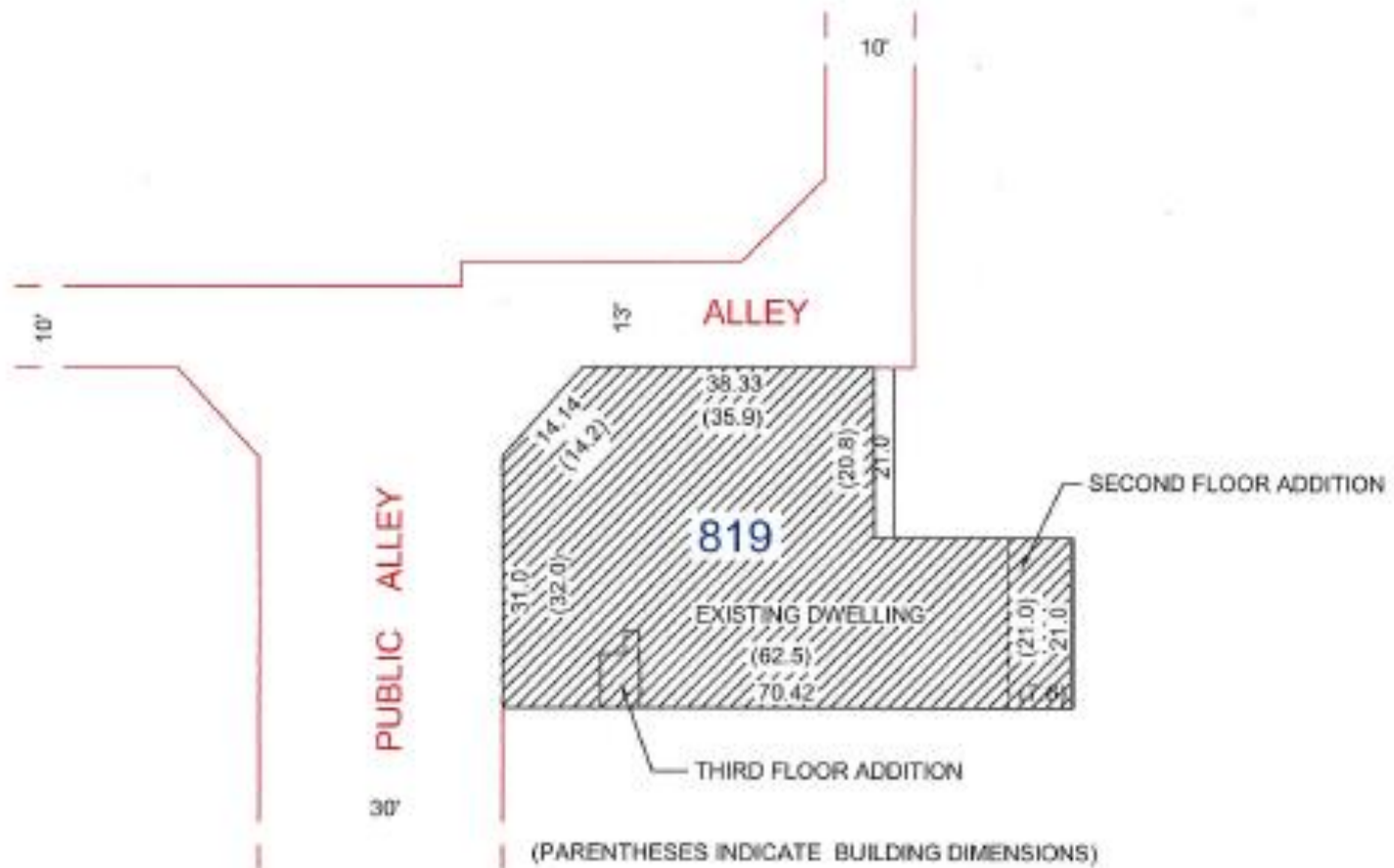


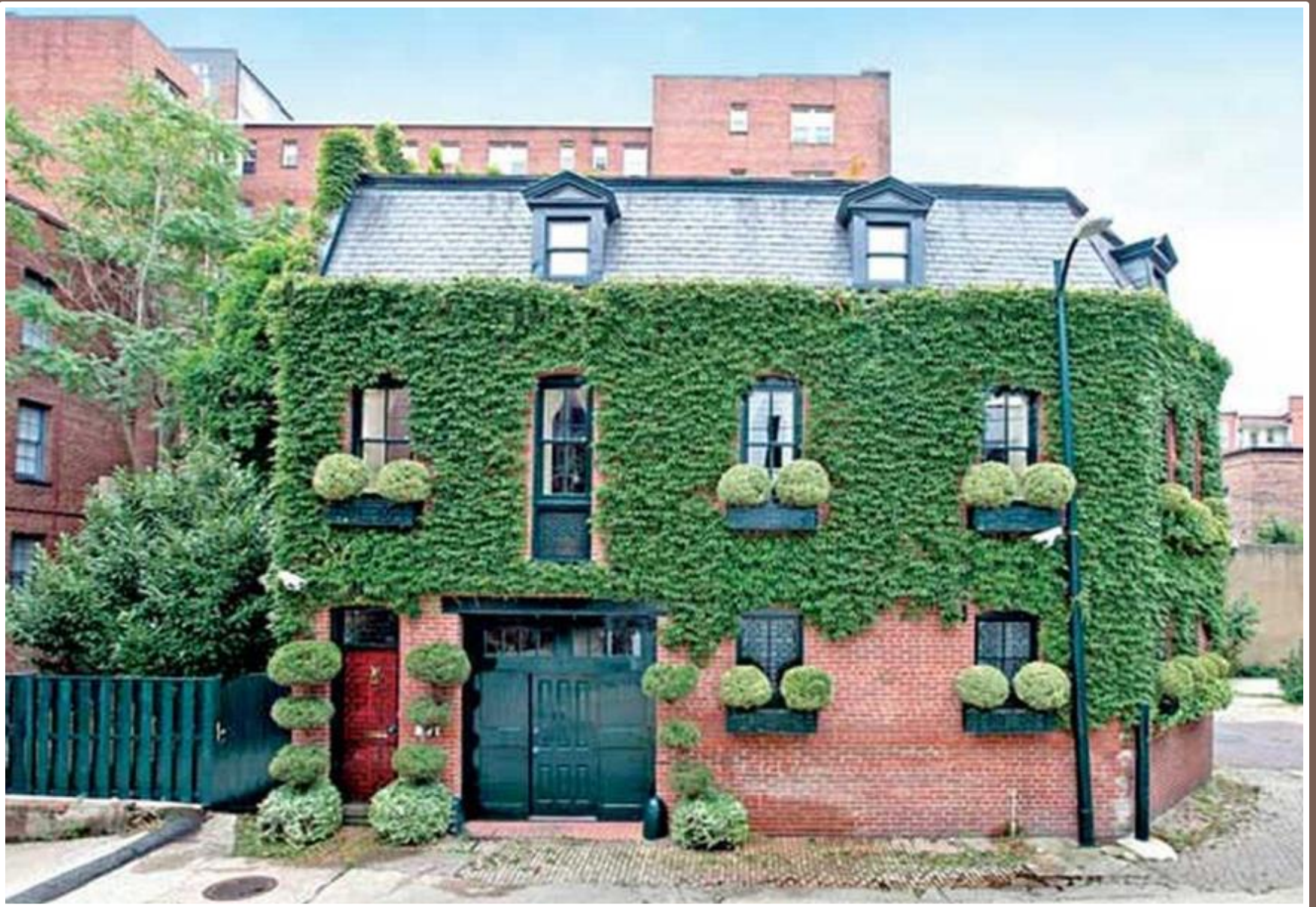
Board of Zoning Adjustment
District of Columbia
CASE NO.19255
EXHIBIT NO.45

Zone: R-5-B



Unique Characteristics





Easement to L'Enfant

Exterior Photos



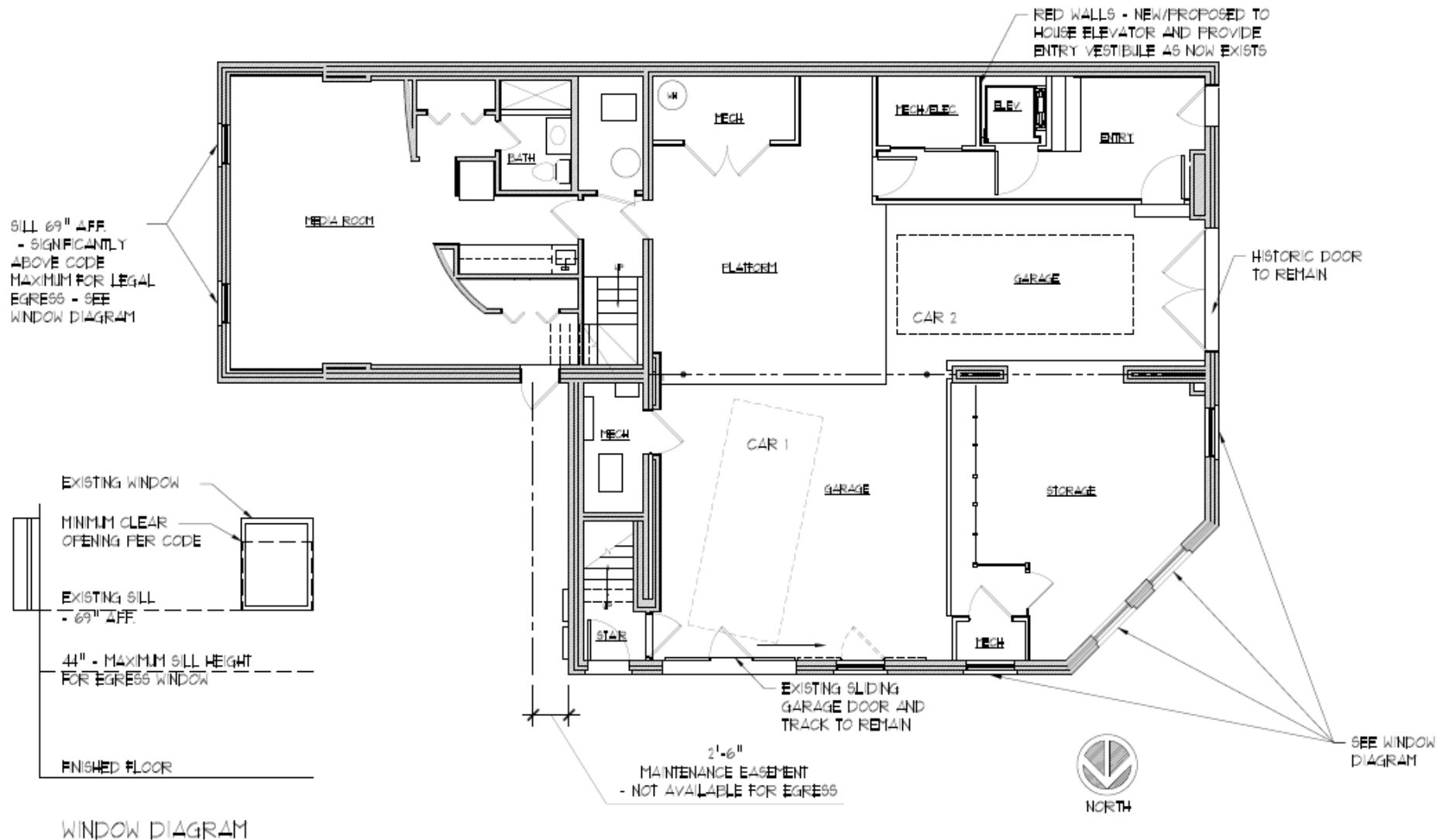
The Project



- The Applicant proposes to add a third bedroom to the dwelling by extending the second floor 7.6 feet over the existing ground floor, increasing the floor area by 170 square feet.
- The Applicant also proposes to construct a 37-square-foot addition on top of the second story roof to provide an enclosure for an elevator.

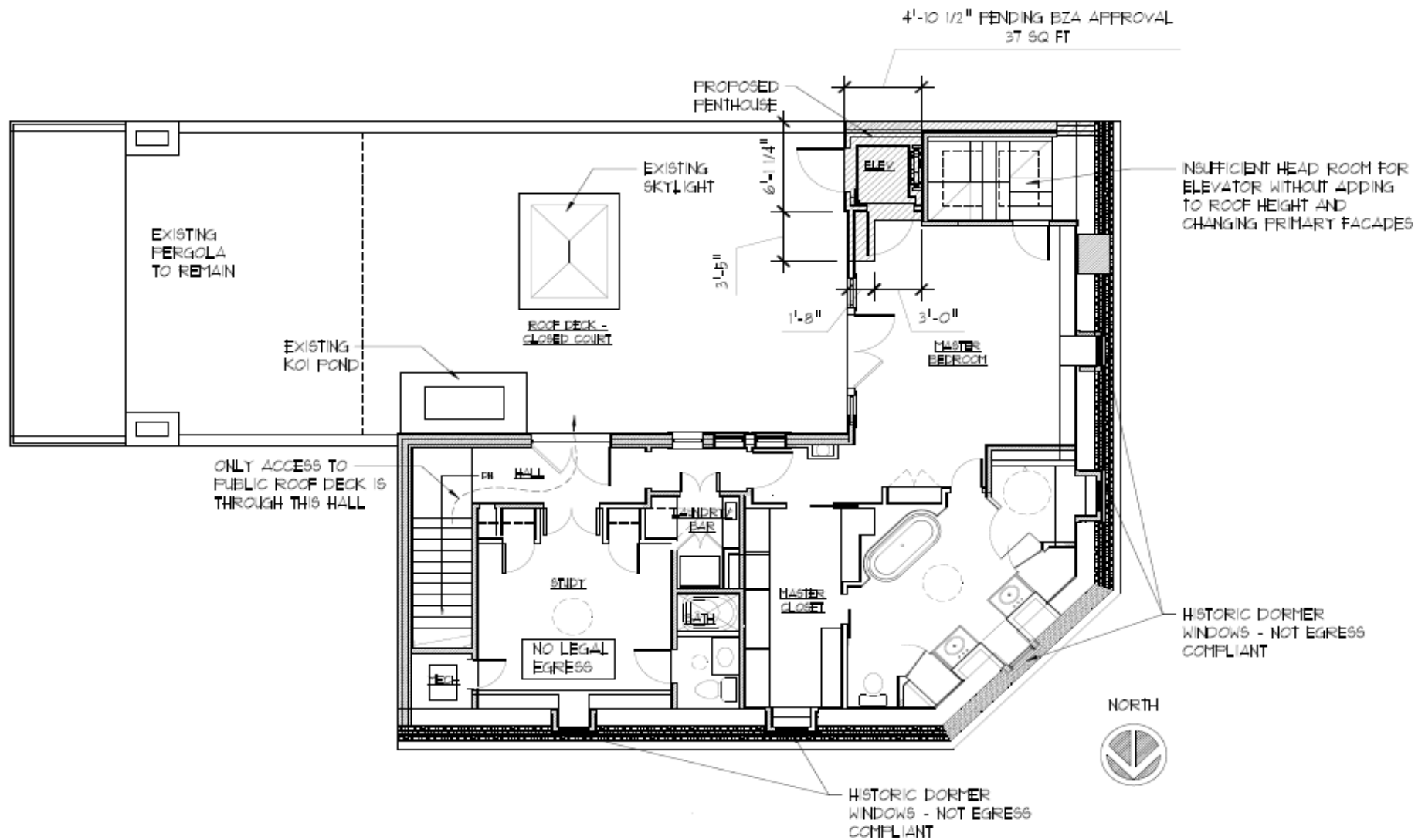
Evaluation of Alternatives Proves Practical Difficulty

- Since the last hearing, the Applicant has walked through all possible alternative locations for the proposed third bedroom
- Their analysis of the ground, second and third floors shows difficulties associated with any other location
- The following elaborates on the difficulty of incorporating the bedroom within the existing envelope of the building



Ground/Garage Floor Plan

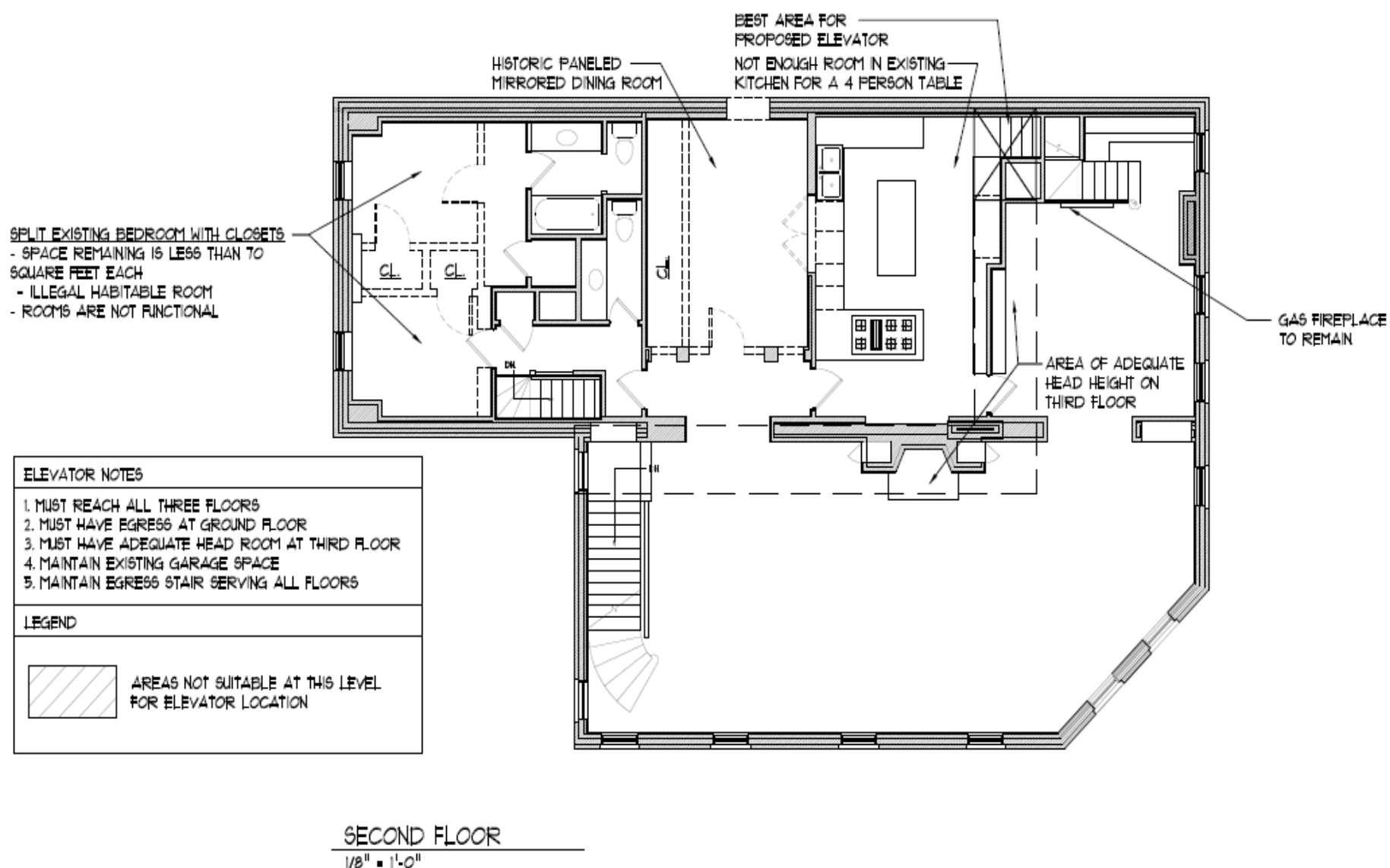




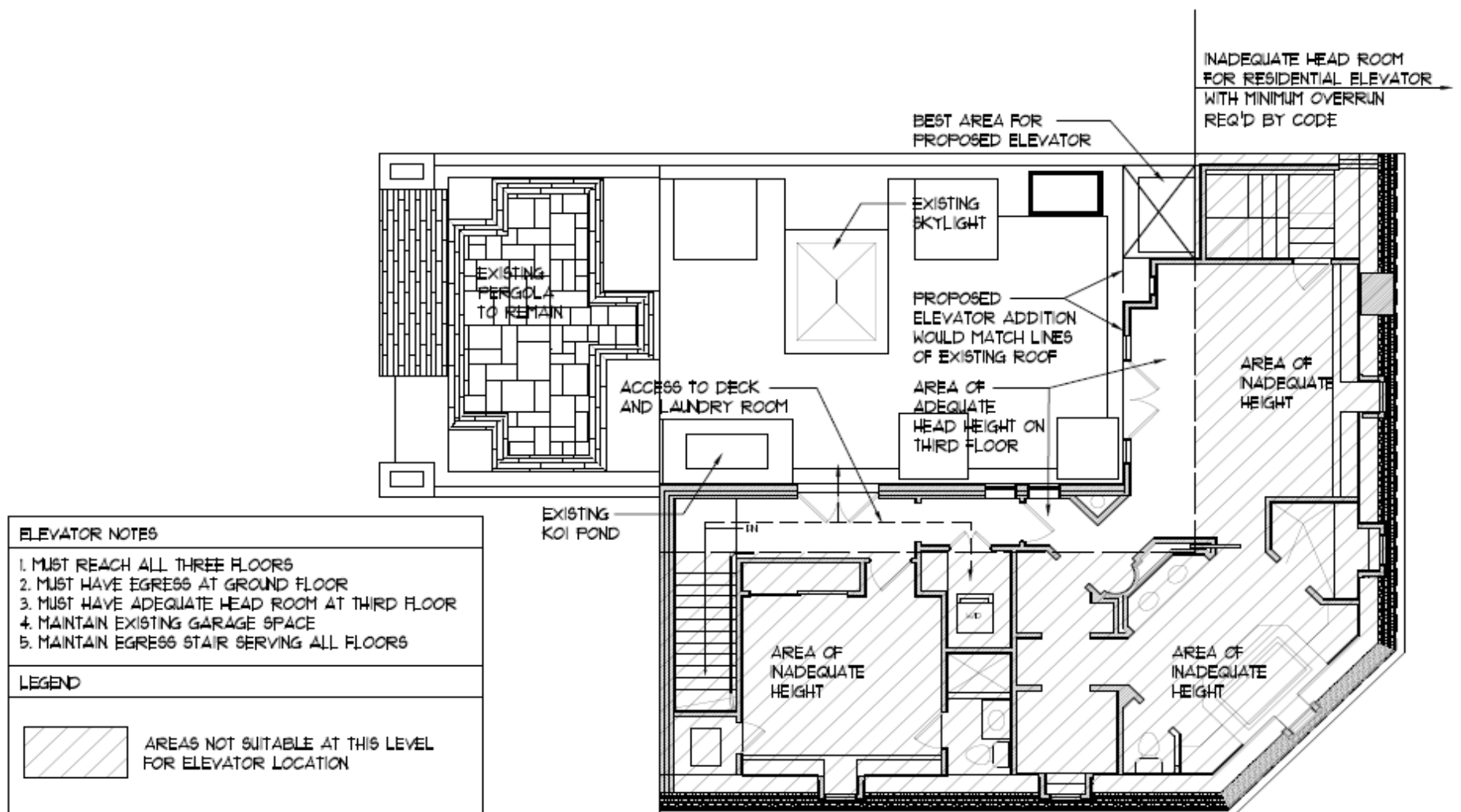
Third Floor Plan

Proposed Penthouse Location



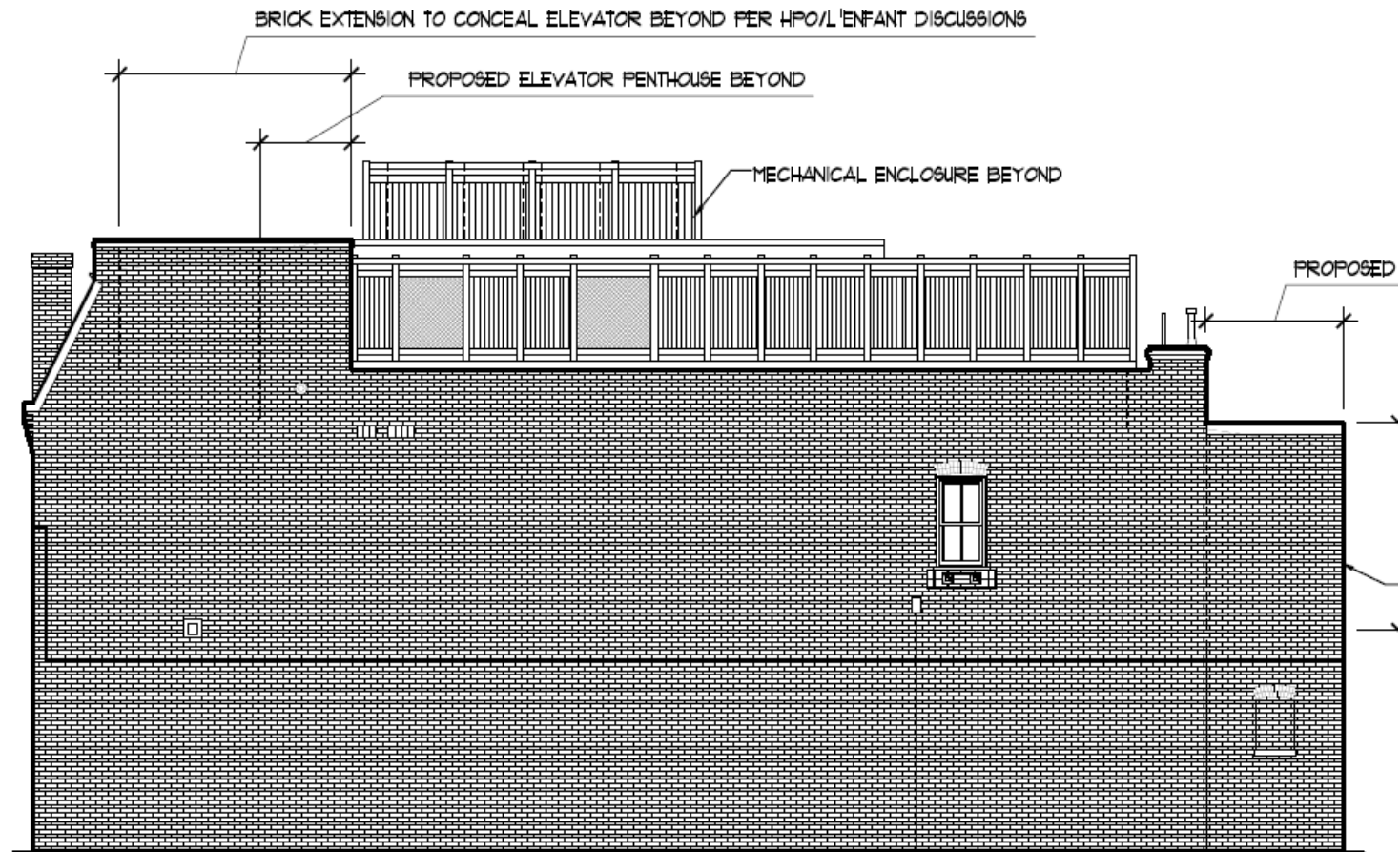


Existing: Second Floor

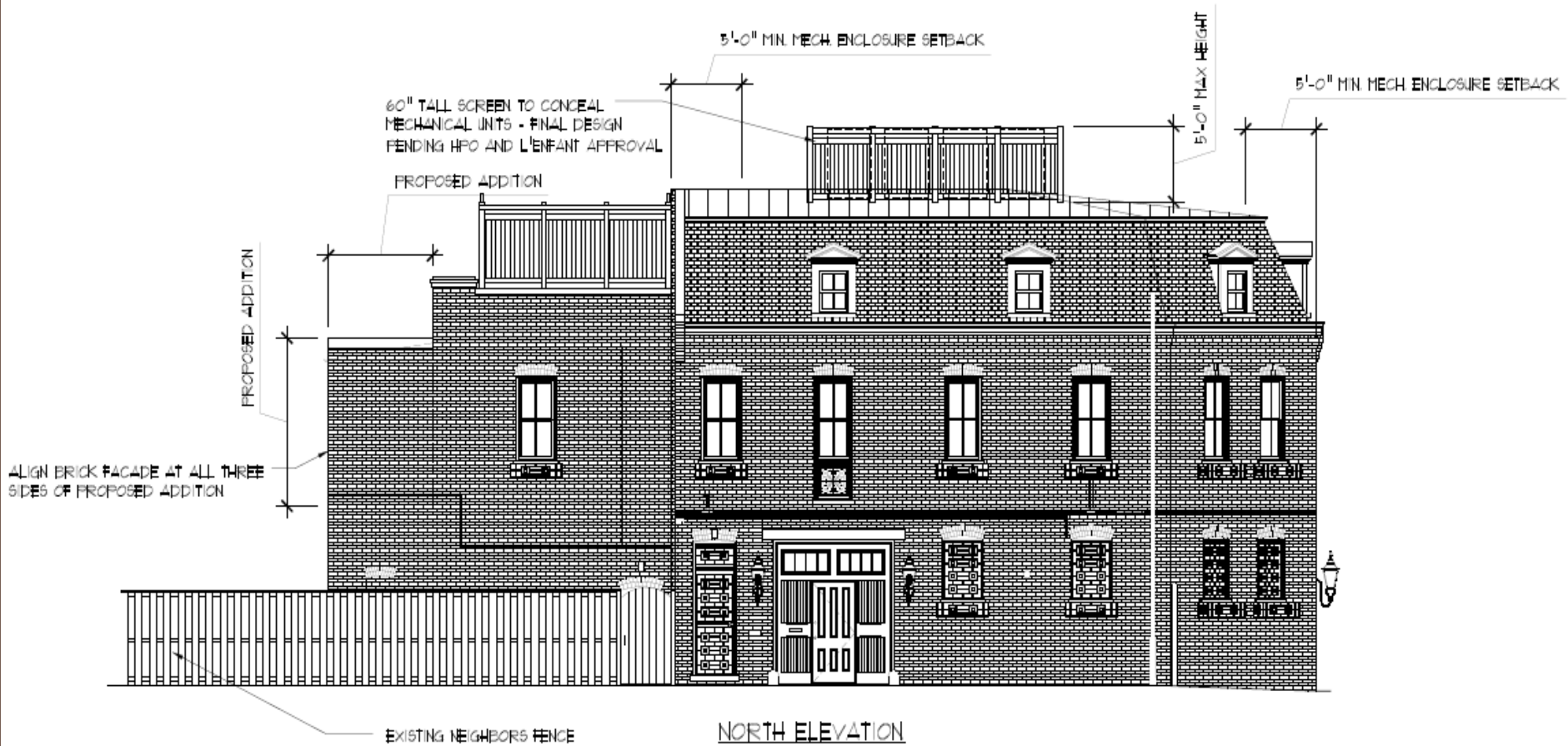


Existing: Third Floor

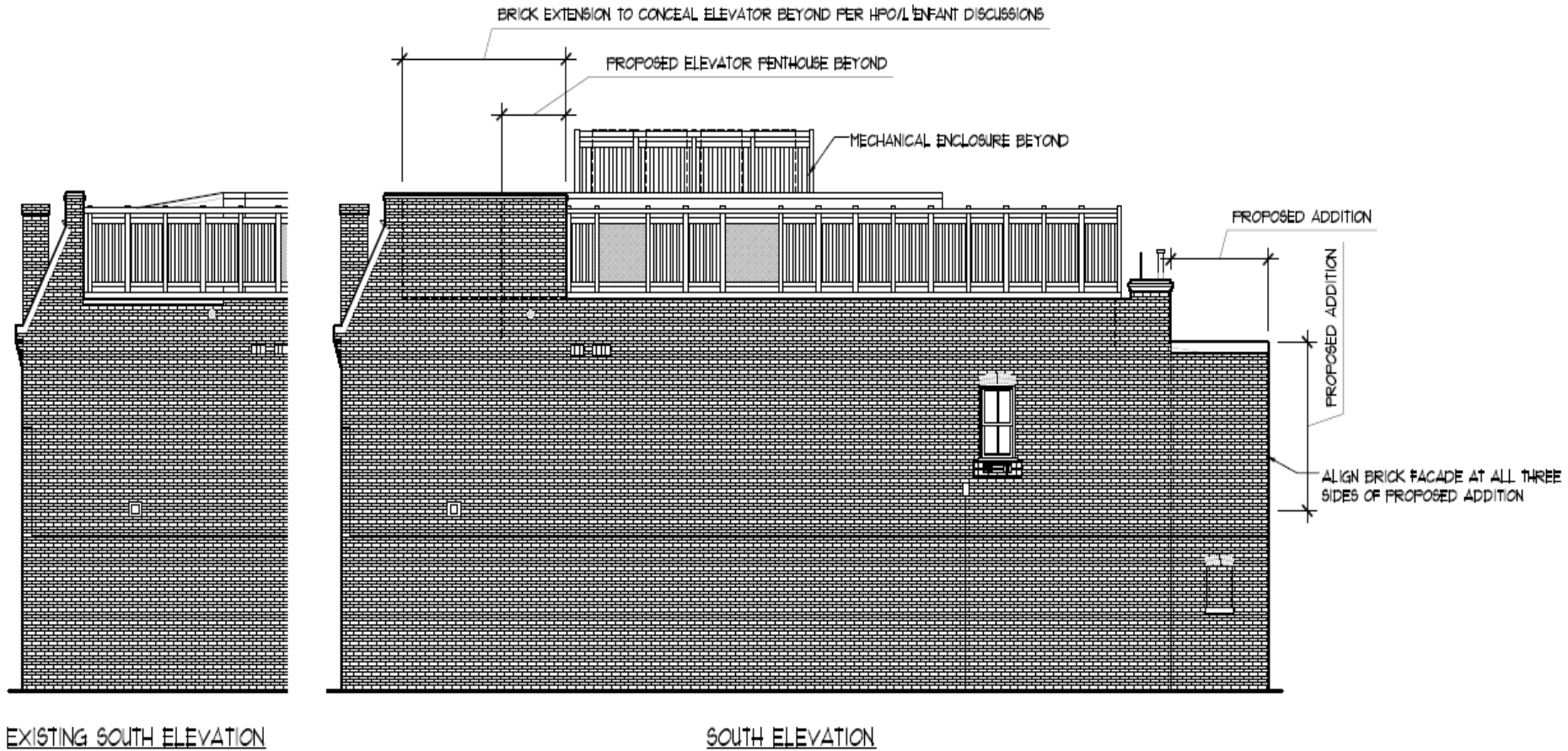
Proposed Penthouse Location



SOUTH ELEVATION



North Elevation



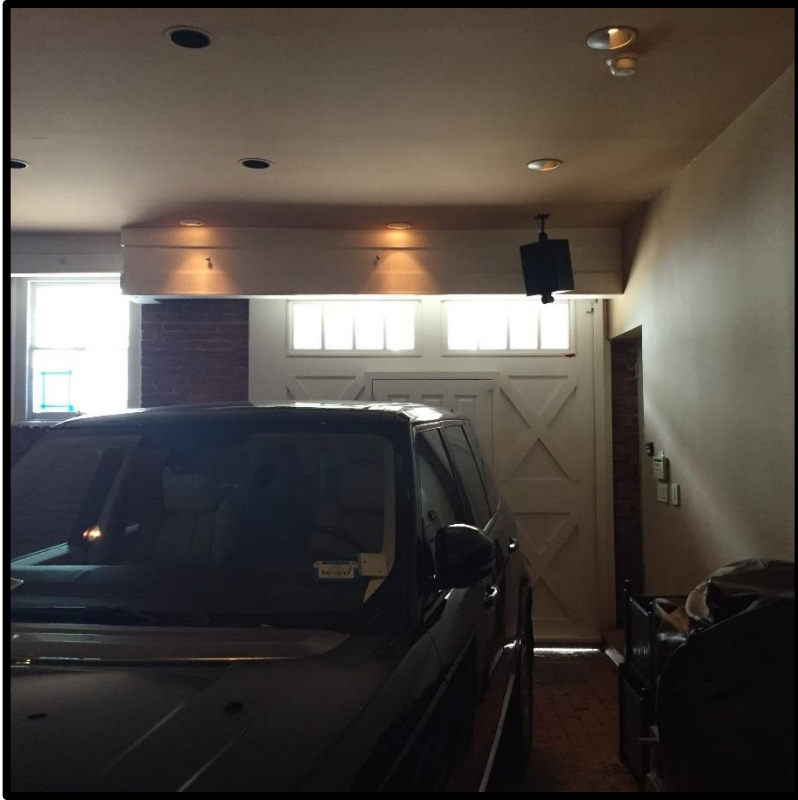
South Elevation

Unique Mirrored Glass Dining Room



- Former owner and famed interior designer Anthony Browne transformed the carriage house's dining room into a mock greenhouse lined with mirrors and illuminated by a skylight.
- Panneling on the south wall dates from 1870-80 and the rest was custom-designed to fit the exact dimensions of the dining room
- Demolishing this room to convert to bedroom would be wasteful.
- Also opening into kitchen and location not practical for bedroom

Interior Photos



Difficulty Associated with Lack of Third Bedroom

- House has approximately 5,800 square feet of gross floor area but only 2 bedrooms
- Extremely unusually for a home of this size to have only 2 bedrooms
- This creates a difficulty associated with any resale of the property

Difficulty Associated with Lack of Third Bedroom

MRIS Search Results

Address	Neighborhood	Home Size (in sq. ft.)	Bedrooms
1230 Quincy St. NE	Brookland	3,390	8
1699 Foxhall Rd. NW	Berkley	5,182	7
4629 30 th Street NW	Forest Hills	3,431	7
612 3 rd Street SE	Capitol Hill	3,716	7
3245 N Street NW	Georgetown	4,347	6
29 Kalorama Cir. NW	Kalorama	4,152	6
2801 Chesapeake St. NW	Forest Hills	3,112	6
1318 Rhode Island Ave NW	Logan Circle	4,035	6
5050 Millwood Ln. NW	Kent	3,382	6
4658 Charleston Ter. NW	Berkley	2,626	5
3115 Appleton St. NW	Forest Hills	4,235	5
4662 Charlestown Ter. NW	Berkley	3,712	5
3115 Normanstone Ter. NW	Massachusetts Ave. Hel.	2,900	5
3800 52 nd Street NW	Spring Valley	2,697	5
3220 Volta Pl. NW	Georgetown	3,810	5
330 T St. NW	Ledroit Park	3,102	5
4711 Foxhall Cres. NW	Berkley	3,940	5
3030 K St. NW #Ph 106	Georgetown	4,142	3

Note: Properties for which no square foot information is available have been excluded.

Zoning Relief

- Variance

- ▣ Additions to Nonconforming Structures (§ 2001.3)

- Possible Special Exception

- ▣ Penthouse Side Setback (§ 411.11)

Variance: 3-Prong Test

- Exceptional Condition
- Practical Difficulty
- No Substantial Detriment to the Public Good or Inconsistency with the Zoning Plan

De Minimis Request for Relief

In *Gilmartin v. D.C. Board of Zoning Adjustment*, the D.C. Court of Appeals noted that the Board "may consider whether the variance sought is *de minimis* in nature and whether for that reason a correspondingly lesser burden of proof rest" on the applicant. 579 A.2d 1164, 1171 (DC 1990). The court went on further, quoting a case from Pennsylvania, which noted, "infinitesimal deviation [lot a few feet short of one acre] from complete compliance is clearly within the *de minimis* exception for granting dimensional variances." *Id.* (quoting *Stewart v. Zoning Hearing Bd. of Radnor Township* 531 A.2d 1180, 1182 (Pa. 1987)).

De Minimus Request for Relief

- Based on degree of relief requested on condition of property.
- Relief requested is for additional 0.08 FAR – or approx. 3.3% of the existing 2.38 (or 4.4% of the 1.8 matter-of-right standard)

Exceptional Situation and Condition

▣ Existing Nonconformities

- Height of 32.2 ft., where a maximum of 30 ft. is permitted
- Lot occupancy of 97.1% where a maximum of 61% is permitted
- FAR of 2.38 where a maximum of 1.8 is permitted

▣ Historic Character of the Building and Existing Preservation Easement

- The building is a contributing structure in the Dupont Circle Historic District and is subject to a preservation easement held by the L'Enfant Trust.

Exceptional Situation and Condition

L'Enfant Trust's conservation easement states:

- “It is the intent of the parties that the Façade, Building and Property (except for minor changes in landscaping) remain essentially unchanged” “Façade” means “all exterior surfaces of the improvements on the Property, including walls, roofs, and chimneys.”
- No alterations may be made to the façade “[w]ithout the express written consent of the [L'Enfant Trust], which consent may be withheld, conditioned or delayed in the sole and absolute discretion of the [L'Enfant Trust]”

Exceptional Situation and Condition

■ **Non-Code Compliant Windows**

- Rooms that might otherwise be converted into bedrooms do not provide emergency escape openings
- Windows cannot be added to the south wall because it is a party wall that is face-on-line with the property boundary

■ **Unusual Layout and Lack of a Third Bedroom**

- No third bedroom, which is extremely unusual for a home of this size.
- Ground floor has two separate garage entrances, with garage doors that may not be modified.
- Very unique dining room on the second floor with mirrored paneling, which opens to a kitchen via double doors and a bar counter.

Exceptional Situation and Condition

- The lot has an atypical shape and is small for the square
- The same building on an average size lot in the square would have an FAR of 1.49, which complies with the 1.8 maximum

Practical Difficulty: Ground Floor



- No workable locations due to the two existing garage doors, the lack of code-compliant emergency escape openings, and the preservation easement imposed on the Property.

Practical Difficulty: Main Floor

■ Den

- Would not allow for 4-person dining table in the kitchen without blocking normal circulation path.
- Nearest bathroom would be across the house and a child's sleeping room would be directly next to one of the most active and public spaces in the home – the kitchen.

■ Living Room

- Would require creating a hallway, which requires either shutting the living off from all windows and sunlight or demolishing the existing fireplace, which would be wasteful

Practical Difficulty: Main Floor

■ **Dining Room**

- No window is permitted because south wall is a party wall that is face on line with the property boundary
- Would require destroying existing dining room with historic and custom-designed mirrored paneling that fits the exact dimensions of the room

■ **Existing Bedroom area**

- Existing space cannot be reconfigured as two bedrooms because the Building Code requires at least 70 sq. ft. in area and a width and length of no less than 7 ft.

Practical Difficulty: Third Floor

- Study and master closet cannot be converted because they lack an emergency escape opening and cannot be modified under the L'Enfant Trust's conservation easement.

Practical Difficulty: Elevator Enclosure



- The proposed location is the only workable location in the home.
- Moving the stairs into the existing staircase adjacent to the proposed location would require altering the exterior sloping roof which is prohibited by the L'Enfant trust.
- Placing the elevator anywhere else in the home would require blocking the third floor hallway and interrupting or obstructing living space on the upper floors.

Possible Special Exception for the Elevator

- The elevator enclosure meets the definition of a penthouse on top of the second-story roof: “A structure on or above a roof of any part of a building.” 11 DCMR § 199.
- Would not contribute to FAR and thus would only require a special exception under § 411.11 for the 1:1 side setback requirement of § 411.18(c)(1).
- **Full compliance would be unduly restrictive**
 - ▣ Any other location would either block the 3rd-floor hallway or require altering the façade, prohibited by the L’Enfant Trust
- **Intent and Purpose of Zoning Regulations Not Materially Impaired**
 - ▣ Viewed from the side, the proposed penthouse will appear to coincide with the existing third floor roof and will blend in with the existing structure
- **No Effect on Light and Air of Adjacent Buildings**
 - ▣ The penthouse will not extend above the existing third floor roofline

Special Exception for Penthouse Setback

□ **Intent and Purpose of Zoning Regulations Not Materially Impaired**

- ▣ Viewed from the side, the proposed penthouse will appear to coincide with the existing third floor roof and will blend in with the existing structure

□ **No Effect on Light and Air of Adjacent Buildings**

- ▣ The penthouse will not extend above the existing third floor roofline.

No substantial detriment to the public good or zone plan

- Importantly, the relief requested is *de minimus*, with an increase in FAR of only 0.08 (including elevator).
- Further, the Project will enhance and preserve the historic structure on the Property, making the house viable as a long-term home for a growing family.
- The Project will maintain the beauty of the building's unique features – both exterior and interior – which enrich the Dupont Circle area and the District as a whole.

Comprehensive Plan Encourages Family-Size Housing

- “One of the critical issues facing the city is how to retain and create more housing units that are large enough for families with children.” 10A DCMR § 500.18
- “Family households with children need larger housing units with more bedrooms. Of the city’s existing housing stock, only one-third of the units have three bedrooms or more.” 10A DCMR § 500.19
- Policy H-1.3.1: “Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.” 10A DCMR § 505.6

Community Outreach

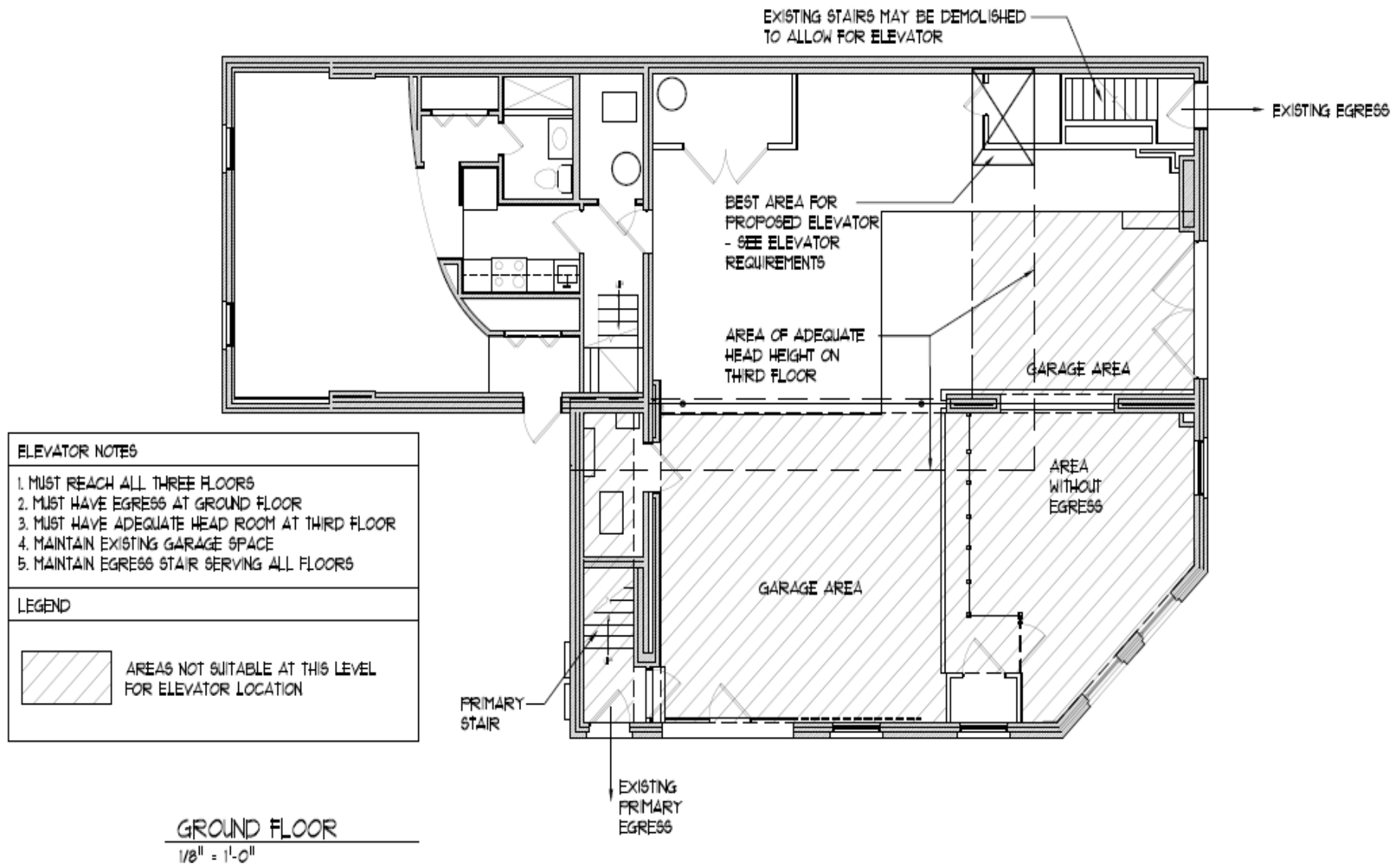


- The Applicant has worked with the community and has the support of ANC 2B
- ANC 2B voted 7-0-0 on April 13, 2016 to support the Project

BZA Application:
1735 Fraser Ct. NW
BZA Case No. 19255

Presented by:
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Griffin, Murphy,
Moldenhauer & Wiggins, LLP





Existing: Ground Floor

Nonconforming Stairs and Dormer Windows Create Practical Difficulty



History of The Property

The Fraser Stable at 1735 Fraser Court, NW was built in 1892 for New York merchant, James Fraser who two years earlier had built the nearby Fraser Mansion at 1701 20th Street, NW. James Fraser hired the notable Washington architecture firm of Hornblower and Marshall to design both his house and stable. The most recent owner of the Property was Anthony P. Browne, a noted Architectural Digest Top-100 Designer who was known for his authentic English country arrangements.



The Fraser Mansion (1890)