

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** October 13, 2017  
**SUBJECT:** BZA Case 19602 - request for variance relief from floor area ratio and lot occupancy to allow construction of an exterior staircase at 1610 Riggs Place, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **denial** of the following variance relief pursuant to Subtitle X Chapter 10:

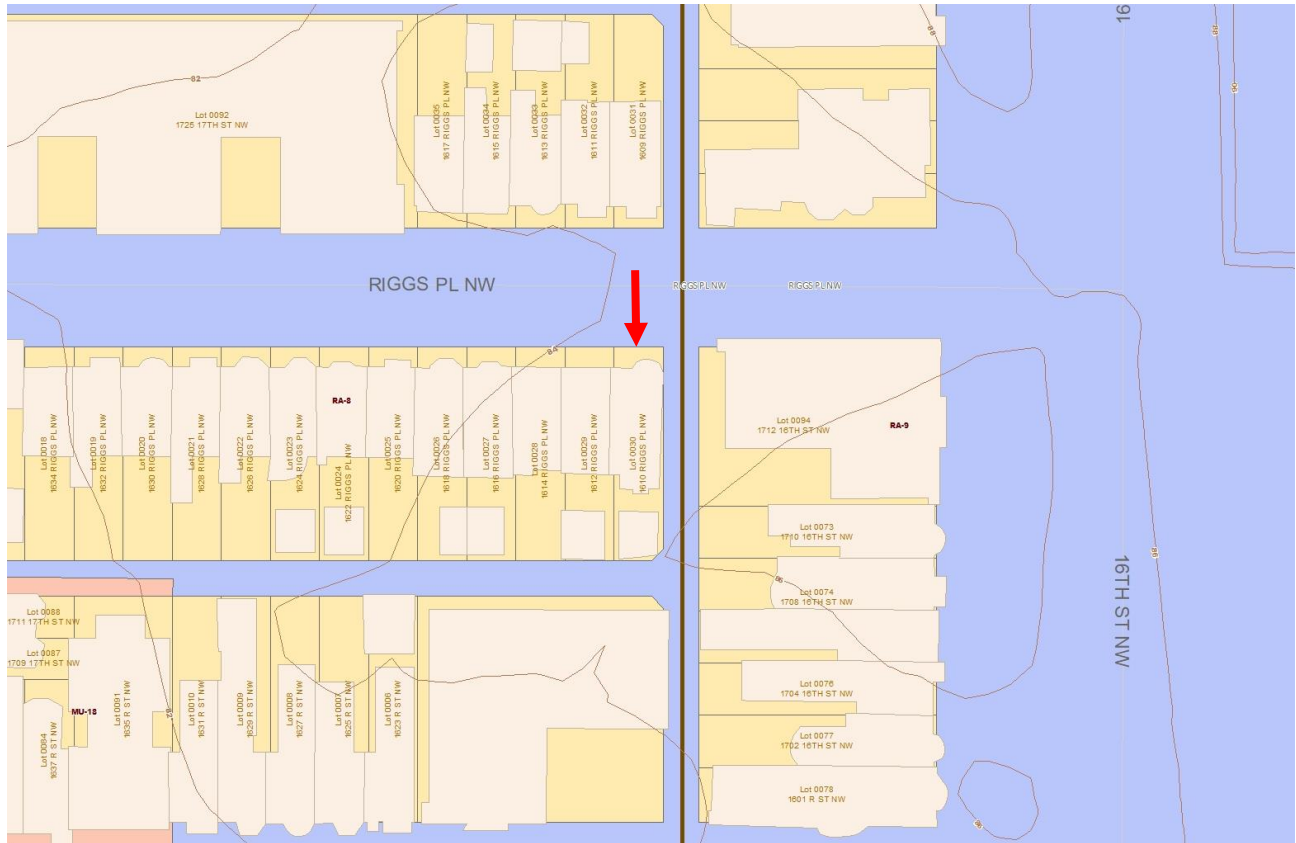
- Subtitle F § 602.1 – Floor Area Ratio (FAR) 1.8 allowed, \*1.97 existing, \*2.5 proposed; and
- Subtitle F § 604.1 – Lot Occupancy 60% allowed, \*79.6 existing, \*83.6% proposed

Because an addition to an existing non-conforming building is proposed, relief from Subtitle C Section 202.2 would also appear to be required.

\*One garage may not have been included in the calculations and the proposed amounts may be higher

**II. LOCATION AND SITE DESCRIPTION**

Address	1610 Riggs Place, N.W.
Legal Description	Square 0178, Lot 0030
Ward	2
Lot Characteristics	The subject property is an 1,847 SF rectangular lot
Zoning	RA-8
Existing Development	The building is a three-story semi-detached rowhouse with two residential units
Historic District	Dupont Circle Historic District
Adjacent Properties	The abutting properties to the east and north are residential rowhouses and to the west across the alley is a multi-unit residential apartment building
Surrounding Neighborhood Character	The surrounding neighborhood is primarily residential with some commercial properties in the square



**III. PROJECT DESCRIPTION IN BRIEF**

The Applicant is requesting zoning relief to construct exterior stairs at the rear of the building in a court on the west side along the property line. The stairs would be metal and would extend from the ground floor to the top floor of the building. The stairs are not required to meet any life safety or building codes. The Applicant initially proposed a spiral staircase at the back of the building and revised the plans based on feedback from the Historic Preservation Office. DCRA has indicated that the stairs would not meet minimum width requirements and that the Applicant would need to request a code modification from DCRA.

The GIS map above and the plat (Exhibit 7) do not show the additional garage that is located on the property between the garage and the house, and DCRA has indicated that the second garage was not included in the existing lot occupancy and FAR calculations.

**IV. ZONING REQUIREMENTS**

RF-1	Regulation	Existing	Proposed	Relief
Height	50 feet	40.54 feet	No change	None required
Lot area	N/A	1847 SF	No change	None required
Lot occupancy	60%	79.61%*	83.6%*	Relief requested
Floor Area Ratio	1.8	1.97*	2.5*	None required

\*DCRA indicated that the second garage was not included in the lot occupancy and FAR calculations so the lot occupancy and FAR may be higher than shown in this table.

## **V. OFFICE OF PLANNING ANALYSIS**

### **Variance relief from Subtitle F §§ 602.1 and 604.1 for Floor Area Ratio (1.8 allowed, 2.5 proposed) and Lot Occupancy (60% allowed, 83.6% proposed)**

#### **i. Exceptional Situation Resulting in a Practical Difficulty**

OP finds that the Applicant has not made a case that this property is exceptional. The adjacent properties and many of the other properties in the square have a similar sized lot area and building footprint as well as garages along the alley like the subject property. Because this property has two garages, the lot occupancy may be even higher than indicated in the zoning chart. The property is in a historic district but that is not exceptional situation. The property had a fatal fire and OP is sympathetic to the property owner but OP was unable to find that this property meets the first prong of the variance test.

#### **ii. No Substantial Detriment to the Public Good**

The Applicant is not required to install the exterior stairs to meet any sort of building code. The building has been renovated and is now sprinklered and meets all life safety and egress requirements. Increasing the lot occupancy and FAR for this property could have an adverse impact on the public good since the property already sustains an FAR and lot occupancy that is well above the maximum allowed. Should the requested relief be granted and the stairs constructed, there could be an impact on the adjacent neighbors in terms of their privacy. OP does find that the siting of the stairs in the court is a better location to lessen visibility and impacts to neighbors than the originally proposed spiral stairs across the back of the building.

#### **iii. No Substantial Harm to the Zoning Regulations**

The proposed increase in FAR could harm the RA-8 zone regulations and their stated goal to control “*the scale and density of residential development.*” OP generally does not support an increase in FAR and lot occupancy over the maximum amount allowed since that would be counter to the intent of the zone and its specific development standards.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

At the time of the staff report, no other District agency had submitted comments.

## **VII. COMMUNITY COMMENTS**

As of the date of filing this report, the ANC had not submitted a recommendation to the record. The adjacent neighbor filed for Party Status in opposition (Exhibit 32).