

Before the Board of Zoning Adjustment, D. C.

Application No. 11902 of Robert S. and Lydia E. Keller, pursuant to Section 8207.1 of the Regulations for a variance from Sections 7615.3 and 7205.12(b) to allow rear and front yards to be less than 15' and parking to be within three feet of a lot line, as provided by Section 8207.11 of the Regulations, to permit a carriage house (existing) to be used as habitable space (flat) at the premises 1312, 1314 Vermont Avenue, N. W. Lots 57, 58, Square 242.

HEARING DATE: May 21, 1975

DECISION DATE: May 24, 1975

FINDINGS OF FACT:

1. The applicant requests relief in order to convert an existing accessory building to be used as habitable space.
2. The proposed carriage house would be used as a flat (2 units), whereas, the principal dwelling would be converted from a flat to a four (4) unit apartment building.
3. The principal building is located on the Vermont avenue street frontage of the property, and the carriage house is located to the rear of Lots 57 and 58, and is abutted by an alley,
4. Both buildings in question are located on lots 57 and 58, which together have a combined lot area of 5862.99 sq. ft., and each have a 23 ft. width.
5. The property in question is zoned R-5-C which allows for medium high density development (residential).
6. The Zoning Regulations provide no standard for the lot area or lot width in the R-5-C zone, however, in the next proceeding more restrictive zone classification, the R-4 zone, the Regulations require 1800 sq. ft, of lot area and a lot width of 18 feet,
7. The carriage house which would be converted to a flat, has no side yard no rear yard, and 14.42 ft of front yard, .38 ft. less than what is required
8. The recitements herein refer to computations made on the carriage house and principal building which would be expanded by a proposed addition.
9. The applicant proposed to locate true parking spaces of 9'X19'' in deminsion to serve the two buildings in question,
10. The two parking spaces would be located on the driveway side of the principal dwelling between that dwelling and the property line of the property known as 1310 Vermont Avenue, N. W. This arrangement requires a variance from the prescription of Section 7205.12(b) of the Regulations which requires that parking spaces not be located within 3' feet of a side lot line and within 3' feet of a principal building,

11. The unimproved land on the subject property would be used to serve the occupants of the dwellings in question as gardens and terraces,

12. The carriage house in question, which was constructed for storage is obsolete to the extent of the 20,000 cubic feet contained therein,

13. There was no opposition registered to this application at public hearing.

CONCLUSION OF LAW:

Based upon the above findings of fact and the record, the Board is of the opinion that the proposed conversion of the carriage house to a flat, and the principal dwelling to a four (4) unit apartment house is in harmony with the intent of the R-5-C zone District of permitting medium high density development. The carriage house in question and the principal building are located on two lots, which would allow development on each lot separately for new construction. The existing structures on the property comply with the lot occupancy requirements of the Regulations, leaving adequate space on the lot to serve occupants of the property. The Board is of the opinion that the disrepair, and obsolescence of the carriage house create a hardship to the applicant in terms of using the building for a beneficial purpose. For these reasons, the Board concludes that this application should be granted to permit conversion of the carriage house to habitable space.

The Board is of the opinion that the location of structures on the two lots in question, is a unique and unusual circumstance, which makes compliance with the Regulations a practical difficulty. The parking requirements of the R-5-C zone requires two parking spaces per every three units, therefore, if the Board grants the parking variance requested, the proposed conversion will comply with respect to the off-street parking requirements.

The Board concludes, that the applicant has demonstrated the existence of a practical difficulty and hardship with respect to the use of the subject property as required by Section 8207.11 of the Regulations, and that the proposed conversions related to the subject property will not have an adverse effect on the nearby or adjoining property or be detrimental to the public good.

Application No. 11902
Page three

ORDERED: That the above application **be** and **is** hereby GRANTED,

VOTE: 5 - 0

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

ATTESTED BY: James E. Miller
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: 5/4/75

M A T THE ORDER OF **ME** BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF **SIX MONTHS** AFTER THE EFFECTIVE DATE OF **THIS** ORDER.