

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11978, of J.B. and M.T. Farmakides, for a variance from the requirements relating to two principal buildings on one lot (Sub-section 7615.2 and 7615.3) to allow the restoration of a carriage house and its use as a dwelling in the R-4 District at the premises 642 East Capitol Street, N.E. (Square 860, Lot 800).

CASE HEARD: September 17, 1975 and October 21, 1975

CASE DECIDED: February 11, 1976

Disposition: Application Denied by a vote of 3-0 (William F. McIntosh, Samuel Scrivener, Jr., and William S. Harps to DENY, Lilla B. Cummings, Esq., and Walter B. Lewis not voting, not having heard the case).

Final Date of the Order: March 3, 1976

ORDER

Upon consideration of the applicant's motion for reconsideration, dated March 11, 1976, the Board finds that the motion fails to state an acceptable basis of error on the part of Board to support a motion for reconsideration, to identify new evidence which could be the basis for rehearing or to raise substantial questions of fact which would warrant rehearing of this case. IT IS THEREFORE ORDERED THAT THE MOTION FOR RECONSIDERATION BE, DENIED.

VOTE: 4-1 (William F. McIntosh, Lilla B. Cummings, Leonard L. McCants and Ruby B. McZier to DENY, William S. Harps not to DENY).

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

ATTESTED BY: _____

Steven E. Sher

STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: _____

JUN 3 1976

Before the Board of Zoning Adjustment, D.C.

Application No. 11978 of J.B. and M.T. Farmakides, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the requirements relating to two principal buildings on one lot (Sub-sections 7615.2 and 7615.3) to allow the restoration of a carriage house and its use as a dwelling in the R-4 District at the premises 642 East Capitol Street, N.E. (Square 868, lot 800).

HEARING DATES: September 17 and October 21, 1975

DECISION DATE: February 11, 1976

FINDINGS OF FACT:

1. The property is located in an R-4 District.
2. The subject property is improved with two structures. The front structure is located on East Capitol Street, and is a three story plus basement structure, holding a certificate of occupancy for seven units but recently existing with six units. The rear structure is a carriage house located on the alley, and has two stories with no basement.
3. The rear structure is currently vacant. It was last previously used as a garage.
4. The proposed use of the carriage house as stated in the application was as a garage and flat. At the public hearing on October 21, 1975, the applicant amended the application to request only one unit in the carriage house with the garage.
5. The lot is 21 feet wide and 128.4 feet deep, with an area of 2,690 square feet.
6. Under the computations supplied by the Zoning Administrator, dated July 24, 1975, the applicant requires variances of 78 square feet on the lot area and 112 square feet on lot occupancy for the theoretical lot for the front structure. He also requires variances of 40.58 square feet on lot occupancy, 20 feet on front yard and 3.5 feet on rear yard for the theoretical lot for the carriage house.
7. Since the application does not involve the conversion of an existing building to apartments, the 900 square foot requirement of Sub-section 3301.1 does not apply.

8. The applicant cited BZA Cases No. 11733, 11903, 11937 and 11075 as variance cases where the Board had approved use of accessory buildings.

9. The Capitol Hill Restoration Society opposed the application, primarily on the grounds that the addition of one or two dwelling units would compound the problems of an existing overly dense situation.

10. The Restoration Society stated that BZA Case No. 11733 was not applicable, since the area of the lot was more than twice the area required for two units, that Case No. 11903 was not applicable since the lot area was in excess of the minimum area necessary for three units, that Case No. 11937 was not applicable since it involved a change of nonconforming use, and that Case No. 11075 was not applicable since it involved property zoned R-5-B.

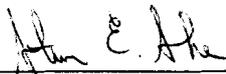
11. The applicant stated that his practical difficulty resulted from being unable to make a beneficial use of the carriage house because of the peculiar size and configuration of the property.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that, while the 900 foot rule does not apply in this particular case, the end result of granting the variance would be to create a density far in excess of that normally permitted in the R-4 District. While the applicant may suffer from a practical difficulty regarding the use of the rear premises, the existing density of the front structure creates a situation where reasonable use is permitted for the property as a whole. The Board believes that it cannot grant these variances without detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. It is therefore ordered that this application be denied.

VOTE: 3-0 (McIntosh, Scrivener and Harps to deny, Cummings and Lewis not voting, not haveing heard the case).

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

ATTESTED by: 
STEVEN E. SHER
Acting Secretary of the Board

FINAL DATE OF THE ORDER: MAR 3 1976