

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12161 of R. J. Turner and Allie P. Ash, pursuant to Sub-section 8207.1 of the Zoning Regulations, for variances from the lot area requirement of 900 square feet per unit (Sub-section 3301.1) and the parking requirements (Sub-section 7207.1) to permit the conversion of a building to an apartment house in the R-4 District at the premises 814 Maryland Avenue, N. E., (Square 915, Lot 1).

HEARING DATE: June 22, 1976
DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. The subject property is improved with a three story plus basement brick structure. The structure occupies 100 per cent of the lot, and has some bay windows which project out into public space.

2. The building was last used as a rooming house on the first, second and third floors (Certificate of Occupancy No. B-28833, issued June 1, 1961) and a church in the basement (Certificate of Occupancy No. B-73942, issued April 2, 1970). The building is currently vacant.

3. The building has fourteen (14) rooms, including one and a half bathrooms in the basement, two bathrooms on the first floor and two bathrooms on the second floor.

4. The lot is triangular in shape, located at the intersection of Maryland Avenue and 9th and E Streets, N.E. The lot has an area of 1,183.53 square feet, and is adjoined by portions of public right-of-way which provide open space on two sides of the lot.

5. The applicants proposes to create a minimum of four and a maximum of seven apartments in the building. The basement, first and second floors are each proposed to have either two one-bedroom apartments or one two-bedroom or three-bedroom apartment. The third floor would have one one-bedroom apartment.

6. Sub-section 3301.1 requires a minimum lot area of 900 square feet per unit for each building to be converted to apartments. For four units 3,600 square feet would be required, 1,183.53 would be provided, and a variance of 2,416.47 square feet would be required. For seven units, 6,300 square feet would be required, 1,183.53 would be provided and a variance of 5,116.47 square feet would be required.

7. At the public hearing, the applicant stated that he was requesting a maximum of five units, which would require 4,500 square feet of lot area. The variance required is then 3,316.47 square feet.

8. The building occupies 100 percent of the lot. The applicant proposes to provide no parking on the site to serve the residents of the building. Sub-section 7202.1 requires one parking space for each three dwelling units. Allowing a credit for the previous use, one parking space might be required.

9. The primary argument of practical difficulty presented by the applicant related to the profitability of converting the building to only two units, which would be permitted without a variance.

10. The Capitol Hill Restoration Society opposed the application on the grounds it would seriously affect traffic circulation and that the variance was so substantial as to seriously detract from the area. There is testimony in the record from various individuals both in support of and in opposition to the application.

11. The applicant filed a motion for rehearing/reconsideration dated January 31, 1977, prior to the issuance of a final Order in this application. At its Executive Session held on March 8, 1977 the Board considered the motion. The motion failed for lack of four affirmative votes, as covered by Section 5.45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

CONCLUSIONS OF LAW AND OPINION:

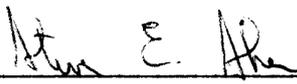
The requested variances are area variances, requiring the showing of a practical difficulty. The Board concludes that, other than a possible economic difficulty, the applicant has demonstrated no problem inherent in the property. The possible economic difficulty is not of sufficient weight to provide justification for the variances. Furthermore, the Board concludes that the requested variances are of such magnitude (in the range of 75 percent) that the application would have a negative effect on the area by serving to over-crowd the area and create additional parking problems. It is therefore ORDERED that the application be DENIED.

VOTE:

4-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq.,
William F. McIntosh and William S. Harps to deny)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

7 JUL 1977