

Before the Board of Zoning Adjustment, D. C.

Application No. 12358 of Lester Shor, applicant seeks, pursuant to Sub-sections 8207.2 and 8207.11 of the Zoning Regulations, special exceptions and variances as follows:

1. Under Section 7104 - Change of non-conforming use from a grocery store to a single family dwelling at 1625 Avon Place, N.W., or in the alternative, a variance from Sub-section 1302.2 to permit subdivision of 3035 Cambridge Place and 1625 Avon Place, N. W., for two single family dwellings, and
2. Variance from the provisions of Sections 7204 and 7205 to permit the provision of one (1) parking space, or in the alternative, variance from the provisions of Section 7202 to eliminate the requirement of one (1) parking space. The properties are in the R-3 District at 3035 Cambridge Place and 1625 Avon Place, N. W., Lots 852 and 832, Square 1282.

HEARING DATE: March 19, 1977

DECISION DATE: April 6, 1977

FINDINGS OF FACT:

1. The properties involved in this application consist of Lots 832 and 852, Square 1282 (Assessment and Taxation Lots) on which are constructed two structures known as 3035 Cambridge Place, N. W. and 1625 Avon Place, N. W. Premises 3035 Cambridge Place, N. W. (on Lot 832) is a two-story and basement building used as a single-family residence. Premises 1625 Avon Place is a two-story brick building located, in part, on Lot 832 and in part, on Lot 852. The two buildings are presently connected by a frame two-story structure on Lot 832.

2. Applicant seeks relief from the Board in two areas: (1) to permit subdivision of the two Assessment and Taxation Lots into two record Lots and (2) to eliminate the requirement of one parking space or, in the alternative, permit the location of a substandard space.

3. The two buildings were originally constructed about or before 1900. The Cambridge Place property was constructed as a single-family dwelling and the Avon Place property was constructed as a grocery store. Originally, the two buildings were separate buildings.

4. In 1913 and 1914, the two buildings were connected by a frame two-story porch which floors are at different levels from the floors in the two principal buildings. The applicant submitted certified copies of the permits for this connecting addition from the National Archives.

5. The Cambridge Place property has continued to be in single-family use. The Avon Place property was last used as a grocery store with the last certificate of occupancy for such use being issued in 1958. Since approximately 1958-59, the Avon Place property has been vacant.

6. The buildings, as presently existing, occupy the entire site with approximately 100% occupancy.

7. Applicant's proposal is to remove the frame connecting porch structure and convert the area into a garden-courtyard. The non-conforming grocery store use in the R-3 District would be abandoned and the building would be converted to single-family use in accordance with the R-3 District. The lots would be subdivided into separate record lots for fee simple ownership.

8. The affect of the applicant's proposal would be to reduce the non-conformity of the property in at least three ways: (1) the grocery non-conforming use would be terminated and converted to residential use; (2) the lot would contain more open space as a result of removing the deteriorated frame connecting porch; and (3) the record lots would more evenly distribute the land area associated with each main structure than under the existing Assessment and Taxation lot arrangement. Also, the proposal would make a productive use of the presently vacant grocery store.

9. The proposed alterations have been approved by the National Commission of Fine Arts and the Joint Committee on Landmarks.

10. Because of the conversion of the grocery store to single-family use, the Zoning Regulations require an off-street parking space to be provided even though no parking spaces was provided for the grocery store. Applicant's request for variance seeks either to eliminate the one space requirement or to provide a substandard space less than 9 by 19 feet and not removed from the abutting single-family residences as required by Section 7205.

11. If the substandard parking space were permitted, a new curb cut would be required and the new curb cut would eliminate two on-street parking spaces presently available in front of the Avon Place property. The lots, because of the this substantial improvements, do not have space available for additional parking spaces.

12. The adjoining property owner at 3033 Cambridge Place, N. W. supports this application as do the majority of neighbors in close proximity to the property.

13. The citizens Association of Georgetown and two neighbors opposed the application on the grounds that such substandardness being sought should not be permitted; granting the application might set a precedent and no hardship was proved.

14. Applicant submitted a copy of a portion of the Baist Atlas for the District of Columbia indicating lot sizes in this particular square. The variance granted would result in lot areas approximating the lot areas of the other lots in the square. Virtually all lots in the square are below R-3 requirements and some properties are used for non-conforming apartment usage. With regard to gross floor area, Avon Place home would have approximately 2,000 square feet and the Cambridge Place home would have approximately 3,120 square feet.

CONCLUSIONS OF LAW:

The Board concludes that applicant has shown a practical difficulty within the meaning of the Zoning Regulations with regard to the existence of the structures on the two Assessment and Taxation lots and the need to subdivide the lots for the purposes of converting the grocery store to single-family usage. The termination of the non-conforming grocery store use and conversion of the structure to single-family use would be in furtherance of the R-3 Zoning classification purposes in that it would provide housing in the form of single family use. With regard to the request to eliminate one parking space requirement, the Board concludes that the variance is warranted and that a practical difficulty has been shown. There is no practical way upon the conversion of the grocery store to single-family use to provide a parking space meeting the requirements of the regulations on the site and the provision of substandard parking space on the site would effectively eliminate two on-street

parking spaces. While the applicant filed the application in the alternative for a change in non-conforming use provisions, the Board concludes that such relief need not be considered in view of the fact that the Board grants the variance for the subdivision.

The grant of the relief sought, as hereinafter described, will not result in any substantial detriment to the public good or the Zoning Regulations and Zone plan. The provisions of more open space and of a single-family house in place of a grocery store will be an asset to the area. This application is GRANTED for the variance from the subdivision requirements of Section 1302.2 and to eliminate the requirement of one parking space which would be required for the single-family use in the converted grocery store building.

VOTE:

3-1 (William F. McIntosh, Dr. Walter B. Lewis, by proxy, and Leonard L. McCants, Esq. to grant; Lilla Burt Cummings, Esq. to deny)

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

ATTESTED By:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER:

6-7-77

THAT THE ORDER OF THE 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 HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.