GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12527 of Stephen L. Mowbray, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variance from the lot area (Sub-sections 3301.1 and 7615.2), lot occupancy (Sub-section 3303.1), and rear yard (Sub-section 3304.1 and 7615.3), off-street parking (Sub-section 7202.1) and front yard (Sub-section 7615.3) requirements to permit the conversion of an accessory building to a dwelling, creating two principal buildings on one lot in the R-4 District at the premise 1340 Corcoran Street, N. W., (Square 240, Lot 805).

HEARING DATE: November 16, 1977
DECISION DATE: January 4, 1978
DISPOSITION: The Board DENIED the application by a vote of 4-1 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to deny, Ruby B. McZier to deny by proxy, Chloethiel Woodard Smith to grant).
FINAL DATE OF ORDER: February 2, 1978

O R D E R

A motion made by William F. McIntosh, seconded by Chloethiel Woodard Smith to rehear/reconsider the application based on new plans failed for lack of four affirmative votes by a vote of 3-1 (William F. McIntosh, Chloethiel Woodard Smith and Charles R. Norris to rehear/reconsider,Leonard L. McCants to deny a rehearing/reconsideration). It is therefore ORDERED that the Motion for Rehearing/Reconsideration is DENIED.

DECISION DATE: March 1, 1978
VOTE: 3-1 (William F. McIntosh, Chloethiel Woodard Smith and Charles R. Norris to rehear/reconsider, Leonard L. McCants to deny rehearing/reconsideration)

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

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 MAR 1978

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12527, of Stephen L. Mowbray, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area (Sub-sections 3301.1 and 7615.2), lot occupancy (Sub-section 3303.1), rear yard (Sub-sections 3304.1 and 7615.3), off-street parking (Sub-section 7202.1) and front yard (Sub-section 7615.3) requirements to permit the conversion of an accessory building to a dwelling, creating two principal buildings on one lot in the R-4 District at the premises 1340 Corcoran Street, N.W., (Square 240, Lot 805).

HEARING DATE: November 16, 1977
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FINDINGS OF FACT:

1. The subject property is located on the south side of Corcoran Street, N.W., between 13th and 14th Streets, N.W., and is in an R-4 District.

2. The subject property is approximately 2700 square feet in lot area and is improved with a flat having one party wall and one side yard in the front and a two story brick structure at the rear of the lot.

3. The applicant recently remodeled the existing building at the rear and converted it from a garage into a dwelling. Such remodeling was completed without the required building permit.

4. The applicant proposes that the Board approve the conversion of the building at the rear of the lot to a dwelling, thus creating two principal buildings on one lot. Section 7615 of the Zoning Regulations provides for the division of a lot into theoretical building sites as a matter-of-right, provided that all requirements of the Regulations as to use, height, bulk, and open space are met and provided that for lots with no street frontage, open space in front of the principal entrance equivalent to the required rear yard shall be provided.

5. The theoretical lot upon which the flat would be located would have a rear yard of 7.04 feet. A minimum of twenty feet is normally required, in this case requiring a variance of 12.96 feet or 64.80 per cent.

6. The theoretical lot upon which the rear building would be located would have an area of 600 square feet. The minimum lot area for a dwelling is 3,000 square feet, requiring a variance of 2,400 square feet or eighty per cent. The maximum building area allowed is 240 square feet, the area covered is 329.93 square feet and the required variance is 89.93 square feet or 37.47 per cent. The minimum required rear yard is twenty feet, none is provided and the required variance is twenty feet or 100 per cent. The required front yard is twenty feet, the depth provided is 4.10 feet and the variance required is 15.90 feet or 79.50 per cent. One off-street parking space is required, none will be provided, and the variance required is one parking space or 100 per cent.

7. The rear dwelling could be reached only by passing through the side yard of the front flat or by way of a ten foot wide public alley opening onto Corcoran or Q Streets.

8. The applicant stated that the hardship upon him as the owner related to the expenses he incurred in renovating the building. A second hardship was the fact that he had to stop work on the main dwelling until the Board decides the case, exposing the partially reconstructed front flat to adverse weather conditions.

9. The applicant could reduce the extent of the variances required by connecting the two buildings and making them one building.

10. Adjacent to the subject property on the west is a similar dwelling which has a garage at the rear of its lot. On the east is a semi-detached dwelling. To the rear of the subject property are three story row-dwellings which front on Q Street, N.W. Many of these dwellings have garages adjacent to the alley at the rear similar to the subject property. This section of Corcoran Street shows signs of renovation and remodelling.

11. The Municipal Planning Office, by report dated November 9, 1977, and by testimony at the hearing, recommended that the application be denied, finding that there is no uniquenes associated with the property. The MPO report further states "The Municipal Planning Office further believes that the property can be used in manner which is consistent with the Zoning Regulations without causing undue hardship or practical difficulty to the owner."

12. There was no report from Advisory Neighborhood Commission - 2C on this application.

13. There were testimony and letters in the file supporting the application, on the grounds it would improve the general physical condition of the area.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that the provisions of Paragraph 8207.11 of the Regulations require that there be something exceptional extraordinary or unique about the property itself. The Board concludes that the applicant has not demonstrated anything unusual about the property, and in fact the Board notes that there are other properties with similar garages in this square. The Board further notes the extent of the variances required, ranging up to 100 per cent for some requirements. The Board concludes that the size and shape of the variances requested, when combined with the siting of the building on the alley with only minimal pedestrian and vehicular access, creates a situation which is contrary to the intent and purpose of the Zoning Regulations, and specifically the R-4 District requirements.

The Board notes that the extent of the variances required can be reduced by making alterations to the proposed site plan by connecting the two buildings.

The Board concludes that the financial hardship upon the owner as described by the applicant are not the kind of hardship or practical difficulties envisioned by the Zoning Regulations. The Board further concludes that any practical difficulties associated with stop-work orders placed on the property by the District Government are self-imposed hardships in that the work on the carriage house was undertaken without a building permit. The Board notes that it will not grant applications to relieve practical difficulties associated without obtaining a required building permit solely on those grounds; there must be a basis for granting the variances in the first place.

In the present case, the Board concludes that the basis for granting a variance is not found, and the application is therefore hereby DENIED.

VOTE: 4-1 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to DENY, Ruby B. McZier to DENY by proxy, Chloethiel Woodard Smith to GRANT).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 2 FEB 1978