GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12695, of Stephen L. Mowbray, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy (Sub-section 3303.1) and rear yard requirements (Sub-section 3304.1), for a variance from Paragraph 7101.21 to permit an addition to a building exceeding the percentage of lot occupancy and for a variance from Paragraph 3104.33 to permit conversion of a building to an apartment house when part of the proposed structure did not exist prior to May 12, 1958 in the R-4 District at premises 1340 Corcoran Street, N.W., (Square 240, Lot 805).

HEARING DATE: July 19, 1978
DECISION DATE: August 2, 1978

FINDINGS OF FACT:

1. The subject site, located on the south side of Corcoran Street, N.W., between 13th and 14th Streets, N.W. and is presently improved with two buildings, a three-story flat plus basement and a two-story brick building located at the rear of the lot.

2. The subject property contains approximately 2700 square feet in lot area and is improved with a two family dwelling with a side yard on the east side and a two story brick structure at the rear of the lot. Both structures show evidence of recent remodeling. The renovation done to the rear structure was done without a building permit.

3. Adjacent to the subject property on the west is a dwelling with no side yards which has a garage at the rear of its lot. To the rear of the subject property are three story row dwellings which front on Que Street, N.W. A ten foot wide public alley borders the rear of the property.

4. This property was before the Board in case No. 12527 which requested variances to permit two principal buildings on one lot. BZA application No. 12527 was heard on November 16, 1977. The application and a subsequent motion for reconsideration were denied, by Order dated February 2, 1978 and March 28, 1978.

5. The applicant proposes to have two apartment units in the semi-detached structure and one apartment unit in the carriage house. A one-story 123 square foot addition to the front structure is proposed. In addition, in order to constitute one single building, the applicant proposes to connect the two buildings with a walkway.

6. The existing structures together do not meet the maximum percentage of lot occupancy requirement offorty per cent in the R-4 District for an apartment house. The existing semi-detached dwelling exceeds the allowable lot occupancy by 305 square feet or 28%. The carriage house covers an additional 122 feet, for a total excess coverage of 428 square feet.

7. As an accessory structure, the carriage house is located in the rear yard of the present front building, adjacent to the rear property line on the alley. When the two buildings are connected and become one building, there will be no rear yard provided at all.

8. As a practical matter, the amount of space surrounding the existing buildings is not diminished.

9. For a row dwelling or flat, the percentage of lot occupancy allowed would be sixty per cent or 1,630 square feet.

10. The semi-detached dwelling and the carriage house were constructed circa 1890.

11. The applicant proposes three units on a lot size of 2,700 square feet. The number of units proposed is consistent with the standard of 900 square feet of lot area per unit. No increase in unit density is proposed herein, nor is a variance required.

12. The combined useable floor area of the two existing structures on the subject lot is greater than any other structure in the square.

13. The lot itself is larger than most other lots located in the square.

14. The Municipal Planning Office by report, dated July 12, 1978 and by testimony at the hearing recommended approval of the application on the grounds that the granting of this application would not result in over crowding. The property has sufficient land for conversion to apartments in the R-4 District. The Municipal Planning Office stated that this application is in harmony with the purpose and intent of the Zoning Regulations. The Board so finds.

15. The applicant proposes to provide one surface parking space at the rear of this property.

16. Neighboring residents appeared in support of the application.

17. Advisory Neighborhood Commission 2C voted to support the application on the grounds that it would increase the housing stock in the neighborhood.

18. There was no opposition to the case registered at the public hearing.

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 associated with this property. The Board concludes that the subject site is improved with unique structures and is of an exceptional size. The subject property is a large lot of 2,700 square feet improved with a main house and a two story rear building with a total gross floor area of 4,272 square feet, thereby providing a site where three dwelling units can reasonably be provided. The regulations specifically provide pursuant to Section 3104.33 that a conversion can be affected where there is 900 square feet of lot area for each proposed unit. The Board concludes that in this case that standard will be met.

The Board finds that the strict application of the Zoning Regulations in this case imposes a practical difficulty upon the property owner. The denial of the requested variances in this case will preclude the conversion of the subject site into three apartment units. In addition, the variances requested are necessitated in order to consolidate and reasonably use the existing structures on site. The Board concludes that the granting of this application can be done without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. There are certain circumstances which distinguish this application from the prior Case, No. 12527, which was denied. First, there is evidence in the record as herein noted, that the subject lot is different from others in the square. No such evidence was presented in the prior case. Second, the extent of the variances requested is considerably less than those earlier requested. Accordingly, it is so Ordered that the application be GRANTED.

VOTE: 3-0 (Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to GRANT, Theodore F. Mariani not voting, not having heard the case, Leonard L. McCants not present, not voting).

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

ATTESTED BY: _____
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 SEP 1978

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.