

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12730 of Marc Silverman pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot width requirements (Sub-section 3301.1) to permit a subdivision and construction of three flats in the R-4 District at the premises 3602, 3602½ and 3604 13th St., N.W., (Square 2828, Lot 169).

HEARING DATE: August 23, 1978

DECISION DATE: August 23, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the west side of 13th St., N.W. and is known as 3602, 3602½ and 3604 13th St., N.W. It is in an R-4 District.

2. The subject site is 6,375 square feet in area. It is vacant and covered with refuse, debris, vegetation and motor vehicles in various stages of disarray.

3. The immediate surrounding area is comprised of two and three story row houses.

4. The applicant seeks permission for a proposed subdivision and construction of three flats which will accommodate six families. The lowest level of each building will contain a bedroom, living room, dining room, bath and kitchen unit. The next two levels, first and second floors, will contain a two floor, two bedrooms, one and a half bath townhouse.

5. The proposed developed lots exceed the Zoning Regulations required lot area, rear yard and open court dimensions, and would be developed with less than the permitted lot occupancy. The variance sought is for the lot width requirements. The proposed flats at 3602 and 3604 13th St., N.W., provide a lot width of 16.67 feet; the proposed flat at 3602½ 13th St., N.W. provides a lot width of 16.66 feet. The minimum width requirement

by the Zoning Regulations are eighteen feet. Accordingly, variances of 1.33 feet (7.40 percent) and 1.34 feet (7.50 percent) are required respectively.

6. The applicant's site plan shows the required off-street parking to be located at the rear of the lot. The Zoning Regulations require one off-street parking space for each (3) dwelling units.

7. A flat is first allowed in the R-4 District as a matter of right.

8. The Municipal Planning Office, by report dated August 16, 1978, recommended approval of the application on the grounds that the proposed development will increase the opportunity for a balanced housing supply, and that the granting of the variance to allow for a reduction in lot width will not adversely affect the use of the neighboring properties. The requested variances are approximately 1.33 feet per unit. The Municipal Planning Office also noted that the development of the vacant subject property is a logical filling in of the subject block with a homogeneous housing type. The Board so finds.

9. Advisory Neighborhood Commission 1A filed no recommendation on the application.

10. There was no opposition to the application.

CONCLUSION 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. Based on the record the Board concludes that the variances sought herein are minimal. The Board is aware of the critical need for housing in the District of Columbia and that the subject construction would be advantageous to the neighborhood and particularly

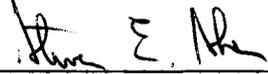
to the subject block. As the site now stands, it is a blight on the neighborhood. To deny the variances would produce practical difficulty upon the owner of the property, since it would allow development of only two flats as a matter-of-right. The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Theodore F. Mariani, Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to grant, Leonard L. McCants not present, not voting)

FINAL DATE OF ORDER: 5 SEP 1978

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

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.