

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12789 of Kapdee Housing Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 3306.1) to permit a third story addition to the subject premises in the R-5-D District at the premises 2138 F Street, N.W., (Square 81, Lot 812).

HEARING DATE: November 15, 1978

DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-5-D zone District on the south side of F Street, N.W., between 21st and 22nd Streets, adjacent to the campus of the George Washington University.
2. The subject property is presently used as a fraternity house for the Kappa Deuteron Chapter of Alpha Epsilon Pi Fraternity.
3. The subject lot has an area of approximately 3,284 square feet and is 19.5 feet wide by 196 feet deep. It is presently improved with a residential structure which is three stories high in front and two stories in the rear.
4. The applicant proposes a third story addition for the rear two story portion of the building. The addition will be built directly above a portion of the existing two-story structure.
5. The proposed addition will serve as a library and study room.
6. The property is adjoined to the west by a grocery store and art gallery and to the east by a PEPCO sub-station. To the rear of the property are a gasoline service station at the corner of Virginia Avenue and 22nd Street and two large apartment buildings which front on Virginia Avenue.
7. The subject property presently has an open court of approximately four feet on the east side. The proposed addition would be set back an additional two feet to allow an open court of six feet at the third floor level. This allows for increased light, air and ventilation than the present width of the court at the first and second story. It still requires a variance of four feet, since the minimum width of an open court is required to be ten feet.

8. To require a setback of ten feet for the third story addition would leave a building only 9.5 feet wide, and would further cause the structure to be out of line with the existing two floors of the building.

9. The nearest wall of the PEPCO building is set back approximately 80 feet from the rear of the subject property. There are no structures to the east within 100 feet.

10. Advisory Neighborhood Commission 2A by Resolution dated October 18, 1978, opposed the application on the grounds that the proposed use is inappropriate for student housing and that no hardship had been proven. The Board finds that a dormitory is a use permitted as a matter-of-right in an R-5 District, that the property has been used as student housing for years and that the proposed addition would not be for the purpose of intensifying that use by an increase in the number of student residents, but rather would be used only as a library-study facility. The Board further finds that the requested variance is an area variance, requiring the showing of a practical difficulty, rather than a hardship.

11. The West End Citizens Association by report dated November 18, 1978, and another neighborhood resident, opposed the application and supported the position of ANC 2A. The opposition also stated its position that the applicant was not operating a fraternity, but a rooming house. The Board notes that a rooming house, as well as a fraternity house, is a use permitted as a matter-of-right in R-5 Districts.

12. The Municipal Planning Office by report dated November 6, 1978, recommended approval of the application, citing that the proposed structure occupies only forty-five percent of the subject lot where a maximum of seventy-five percent is permitted and that the construction of the addition in conformance with the existing structure and open court configuration would not result in any adverse impacts on nearby or adjoining properties. The Board so finds.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which require the showing of a practical difficulty. The Board concludes that the width of the lot, the configuration of the existing building and the normal requirements of the Regulations combine to create such a difficulty.

The Board concludes that the granting of this application would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board notes that an issue is raised as to whether the use is a fraternity house or rooming house. The Board concludes that that is not a material issue, since both uses are permitted as a matter-of-right in the R-5 District.

The Board takes note of the position of the Advisory Neighborhood Commission and concludes that, even though it has reached a different conclusion from that recommended by the ANC, it has accorded ANC the "great weight" to which it is entitled.

The Board concludes that there will be no adverse effect from the granting of the application, noting that the adjoining structure is well removed from the building in this case. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Chloethiel Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants 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: 11 JAN 1979

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.

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