

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12790 of Semih and Betty Ustun, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) rear yard requirements (Sub-section 3304.1) conversion of a building to an apartment house requirements when part of the proposed structure did not exist prior to May 12, 1958 (Paragraph 3104.33) and height requirements to allow a four story building (Sub-section 3201.1) for a proposed addition and conversion in the R-4 District at the premises 1801 Park Road, N.W. (Square 2614, Lot 824).

HEARING DATE: November 15, 1978

DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject site is a single lot approximately 12,400 square feet in size and contains a structure over 4,000 square feet in total gross floor area, and is located at 1801 Park Road, N.W., in the R-4 District.

2. The subject premises has been designated as a Category II Landmark. The applicant desires to save the building to comply with the designation of the building as a landmark.

3. Prior to the designation of the site as an historic landmark the applicant originally applied for a demolition permit in order to develop the subject property with six townhouses each containing two units as permitted by right in the R-4 District. Those plans have been abandoned in favor of the proposal described herein.

4. The applicant now proposes to divide the 4,000 square feet of floor area in the existing building into two residences each containing 2,000 square feet. The addition to the rear and side of the building will have eleven apartments.

This will increase the number of dwelling units to thirteen, having a density of slightly more than 900 square feet of lot area per dwelling unit. The R-4 zoning district in which the property is located, permits conversion of a building into apartments with a minimum of 900 square feet of lot area per unit, provided that the building existed prior to May 12, 1958.

5. The proposed development including the addition requires variances from the lot occupancy, rear yard and the number of stories requirements of the R-4 district. The proposed development will occupy 45.1% of the lot, where a maximum lot occupancy of forty per cent is permitted. A rear yard of 7.83 feet will be provided, where a twenty foot rear yard is required. In addition, the proposed building addition will have four stories where only three stories are permitted in an R-4 district. The building will not exceed the permitted forty feet height limitation with the additional story.

6. The outside walls of the new addition to the building will be constructed with brick of color that will match the existing landmark structure. The height of the new addition will also correspond to the height of the existing structure.

7. The historic building presently before the Board was originally constructed in 1903 as a single-family residence. Subsequently, in approximately 1940, the structure was converted into a convalescent home. This use continued until 1951 when the property was purchased and used as a home for the elderly until 1968. The building has been vacant since 1968, except for caretakers and is presently in an advanced state of deterioration.

8. The property has not been used as a single family residence in more than thirty years and restoration costs necessary to make the existing structure marketable would total a minimum of \$125,000. Furthermore, a structural engineer has examined the premises and by report submitted as an exhibit before the Board, found that it would cost approximately \$80,000 just to bring the structure up to Building Code requirements.

9. Because the property is a landmark structure, the application for demolition permits resulted in a 180 day delay of demolition process being applied to the site, under the terms of D.C. Regulations 73-25.

10. A member of the Joint Committee on Landmarks testified that during the course of negotiations pursuant to D.C. Regulations 73-25, formal and informal sessions were held during which all facets of the proposed development were discussed including exterior design, height, bulk, building location, number of units and number of parking spaces. Summaries of the negotiation sessions and informal meetings were submitted as exhibits to the Board.

11. The applicants submitted a development plan in August of 1978, which provided for thirteen dwelling units, a conforming side yard, and the required number of parking spaces pursuant to the Zoning Regulations, thereby removing several citizen objections and greatly reducing the relief required from this Board over the original proposal.

12. Subsequent to the proceedings before the Joint Committee on Landmarks, the State Historic Preservation Officer, noted in a transmittal letter attached to the applicants alteration permit application that the proposed alteration of the historic landmark would not be contrary to the public interest.

13. A further letter from the State Historic Preservation Officer dated November 14, 1978 recommending approval of the present application was submitted to the Board as part of the record in this case.

14. As testified to by the architect of the property, the location of the historic structure on the site dictates the design, size and location of the proposed building addition, as that addition must be carefully placed and treated so as to complement the existing residential building.

15. The Board finds the cost of acquisition of this site and the high cost of renovation of the landmark dictate the minimum number of residential units needed to make the alternative to demolition acceptable from an economic standpoint when compared to the matter of right development of six townhouses.

16. The historic landmark structure is of an exceptionally large size, occupies over twenty percent of a 12,400 square foot lot, and can only be divided into two dwelling units under the present Building Regulations.

17. The representative of the Patrons of the Adams House and the representative of Don't Tear It Down, Inc., both testified that the subject site was unique and that no other property was like the subject site in lot size and placement of the structure upon the lot and that it would not be reasonable for any other property owner in the landmark to develop his property in a manner such as the applicant proposes.

18. The Board finds that the bulk of the building addition has been carefully considered and it would not be in architectural harmony with the historic landmark structure to increase building height of the proposed addition in order to reduce lot occupancy.

19. The Board finds that the subject property imposes constraints on the location for the proposed building addition because of the siting of the historic landmark structure and the desire to locate the building addition at the rear of the site through a desire to remove it from the Park Road street frontage.

20. The Board finds a fourth story is necessitated to provide enough floor area in the building addition to provide adequate bedroom area for the units located nearest the 18th Street frontage.

21. The applicant testified and the Board finds the building addition to be essential to the viability of the proposed development project and notes that pursuant to Section 3104.33, a pre-1958 building could be converted as a matter of right to apartment use on the basis of one unit for each 900 square feet of lot area. According to that calculation for unit density, the applicant herein would be permitted to provide thirteen units which is the same number as that proposed in the application presently before the Board.

22. The Municipal Planning Office by report dated November 13, 1978, recommended a granting of the requested variance relief on the basis that this would enable the preservation of an historic landmark structure and would provide needed housing for the District of Columbia. The Board so finds.

23. Advisory Neighborhood Commission 1E was a signatory of the letter agreement outlining the parameters of the development plan submitted to the Board and testified in support of that plan at the public hearing on the basis that the project presented an appropriate solution for the preservation of the historic structure involved.

24. A local citizen testified that the developer should re-evaluate the economic viability of restoring the subject structure as a single family residence but testified neither in support nor in opposition to the development pending before the Board.

25. There was no opposition to the case.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are lot occupancy, rear yard, conversion of an existing structure to an apartment of which part was erected subsequent to 1958 and number of stories, all of which are area variances. The proposed use of apartments is permitted as a matter of right in the R-4 District and, therefore, requires no use variance.

The Board concludes that the subject site is affected by several extraordinary or exceptional situations or conditions. Due to the presence of an historic landmark structure on the site which dictates the design, size and location of the proposed building addition, the applicants have had little choice but to design a building addition which necessitates the requested variance relief. Furthermore, the cost of acquisition of the site and the high cost of renovation dictates the minimum number of residential units needed to make the alternative to demolition economically acceptable. Lastly, the large size of the historic landmark and the large lot area it occupies, including the covered porch areas, and the fact that it can only be divided into two dwelling units under the Building Regulations also constitutes an exceptional situation or condition.

The applicants' practical difficulty in this case stems from the existence of an historic landmark structure on the site and the added cost and complexity of development imposed in attempting to preserve a structure and integrate into it a building addition. The findings of fact set forth the manner in which the Zoning Regulations impose a practical difficulty as to each of the variances requested by the applicants. It is also noted that the failure to permit the erection of the building addition proposed in this case would result in a hardship to the property owner.

As a result of the constraints placed on development of the site by the presence of the historic structure, the applicant is required to seek the requested variance relief as an alternative to demolition of the historic structure.

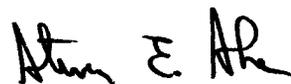
A survey of surrounding land uses as testified to at the public hearing reveals the area to be of mixed residential character and shows that the proposed dwelling addition would not adversely affect such uses. Furthermore, the Joint Committee on Landmarks has previously determined that the proposed alteration of the historic structure and building addition proposed by the applicants would not be contrary to public interest. In addition, the applicants' proposal furthers the public interest in that it provides for the preservation of an historic structure and provides housing units for the District of Columbia.

In consideration of the findings of fact and conclusions of law herein, it is therefore ORDERED that the application be GRANTED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant; Chloethiel Woodard Smith, not voting)

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

5 FEB 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