

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12828 of Anthony Stout, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the percentage of lot occupancy requirements (Sub-section 3303.1) for the construction of an accessory garage in the R-4 District at the premises 1929 13th Street, N.W., (Square 2746, Lot 124).

HEARING DATE: December 13, 1978

DECISION DATE: December 13, 1978 (Bench Decision)

DISPOSITION: The Board granted the application by a vote of 3-0 (Charles R. Norris, Ruby B. McZier and William F. McIntosh to grant; Chloethiel Woodard Smith and Leonard L. McCants not present, not voting).

FINAL DATE OF ORDER: February 12, 1979

FINDINGS OF FACT:

1. By letter of May 25, 1979, the architect for the applicant requested the Board to approve revised plans for the proposed accessory garage. The Plans for which the applicant now seeks approval are marked as Exhibit 25 of the record.

2. The revisions requested by the applicant are as follows:

A. The design of the roof of the proposed garage shall be changed from a pitched to a flat roof.

B. The proposed garage shall be lengthened by sixteen inches.

3. The requested flat roof is more in harmony with the flat roof of the existing dwelling.

4. The length of the garage will be increased from 20.67 to 22.00 feet in order to accommodate a current large size car.

5. The change in length would increase the proposed garage by 22.17 square feet and the lot occupancy by 1.3 percent.

6. The distance from the rear of the existing dwelling to the proposed garage will be 15.1 feet which is greater than the ten foot required minimum.

7. The modifications requested are minor in nature.

8. The revisions to the plans do not basically change the relief requested from the Board. No further variances are required.

9. All the material facts upon which the Board relied in granting the application initially remain unchanged and are still relevant.

CONCLUSIONS OF LAW:

The Board concludes that the proposed modifications are minor in nature; that the relief requested of the Board is substantially unchanged, and that all material facts relied upon in granting the application are still relevant.

It is therefore ORDERED that the modification of plans is APPROVED, and that the plans marked as Exhibit 25 of the record are hereby APPROVED and shall be substituted for those originally submitted to and approved by the Board. In all other respects, the Order dated February 12, 1979 shall remain in full force and effect.

DECISION DATE: June 6, 1979

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to APPROVE modifications).

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

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

Application No. 12828

Page 3

FINAL DATE OF ORDER: 7 AUG 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OF ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 12828 of Anthony Stout, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the percentage of lot occupancy requirements (Sub-section 3303.1) for the construction of an accessory garage in the R-4 District at the premises 1929 13th Street, N.W., (Square 2749, Lot 124).

HEARING DATE: December 13, 1978

DECISION DATE: December 13, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 13th Street between U and T Streets, in an R-4 zone district at premises known as 1929 13th Street, N.W.
2. The property is improved with a three story and basement structure that was previously used as a rooming house.
3. The applicant proposes to remodel the structure as a single family residence. The applicant also proposes to erect a one car garage of masonry construction at the rear of the property. The garage will be 16.67 foot wide by 20.67 foot long and will front on adjoining alleys on its north and east sides.
4. The property is surrounded to the north by a fifteen foot wide alley abutting a semi-detached dwelling in the C-2-A District, to the east by a ten foot wide alley abutting several vacant alley lots in the R-4 District, to the west across 13th Street by row dwellings in the R-4 District.
5. The subject property was developed in the early 1900 era, prior to the adoption of the Zoning Regulations. The property was constructed with a rear garage, as is evident by an existing foundation on the premises.

6. Pursuant to Sub-section 3303.1 of the Zoning Regulations a minimum of 1800 square feet of land area and a lot width of wighteen feet are required for a row dwelling is the R-4 District. The subject property has an existing lot area of 1,667 square feet and lot width of 16.67 feet.

7. The R-4 District requires a maximum lot occupancy of sixty per cent or 1,000.20 square feet for the lot. The existing structure occupies 928.02 square feet. The proposed garage will occupy 344.57 square feet, thereby increasing the lot occupancy to 1282.59 square feet. A variance from the percentage of lot occupancy is thus required.

8. 13th Street handles a large volume of morning and evening commuter traffic. No parking is allowed on 13th Street at this location from 7:30 a.m. to 9:30 a.m. and 4:00 p.m. to 6:00 p.m. weekdays to allow for the one way flow of traffic in all lanes.

9. A metro subway station is proposed for this area on U Street between 13th and 10th Streets. The design of this station includes much of the property to the north and east of the subject property. This could impact on-street parking in the area, making it desirable for residential properties to provide off-street parking.

10. If the property were newly constructed under the present regulations, one off-street parking space would be required.

11. The Municipal Planning Office by report dated December 5, 1978, recommended approval of the application based on the property's location on a major arterial street with restrictive parking, and the property's dimensions at the time of the original adoption of the Zoning Regulations. The MPO reported that the approval of the requested variance would remedy an exceptional practical difficulty. The Board so finds.

12. There was no report from Advisory Neighborhood Commission 1B on this application.

13. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the existence of the lot and structure prior to the adoption of the Zoning Regulations and its location on a major arterial street with restricted parking create such a practical difficulty for the owner in this case. The Board further concludes that the requested variance can be granted 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 Maps. Accordingly it is hereby ORDERED that this application is GRANTED.

VOTE: 3-0 (Charles R. Norris, Ruby B. McZier and William F. McIntosh to grant; Chloethiel Woodard Smith and 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: 18 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.