

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12834, of David-James Builders, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the requirement that a sub-division meet the minimum lot area provisions (Sub-section 1302.2 and 3301.1), the limitation on the number of stories (Sub-section 3201.1), from the prohibition against adding to a non-conforming structure which now exceeds the number of stories (Paragraph 7107.21) and the open court requirements (Sub-section 3306.1) to allow a proposed sub-division and construction of a flat, plus alterations and an addition to an existing detached dwelling making it a flat in an R-4 District at the premises 1376 and 1378 K Street, S.E., (Square 1046, Lot 800).

HEARING DATE: December 20, 1978  
DECISION DATE: January 10, 1979

FINDINGS OF FACT:

1. At the public hearing, the application was amended to eliminate the variance regarding an addition to a non-conforming structure which presently exceeds the maximum number of stories. The existing building has only three stories, not four as originally presumed. There is therefore no variance required from Paragraph 7107.21.
2. The subject site is located on the north side of K Street between 13th and 14th Streets in the R-4 District and is known as 1378 K Street, S.E.
3. The subject site is comprised of 3,587 square feet developed with a three story residential structure. The existing structure is vacant at this time.
4. The applicant proposes to make alterations to the existing structure and add a fourth story. The applicant also proposes to build a new four story flat adjoining the existing structure.
5. The applicant will sub-divide the subject site into two lots. The lot which will contain the existing structure will be 1,787 square feet in area requiring a variance of thirteen square feet from the 1800 square feet minimum lot area requirements for a flat. The lot is twenty feet wide and ninety feet deep, but has a small notch at its rear corner to accommodate the intersection of two alleys.

6. The rear portion of the existing structure at 1738 K Street will be removed and replaced with new construction. The front portion will be altered to create a flat with separate entrances to each dwelling unit.

7. When completed, both the new building and the remodeled existing building will contain one dwelling unit with three bedrooms and 1,640 square feet of floor area and a second unit with two bedrooms and 1,265 square feet of floor area.

8. The applicant presented revised plans at the public hearing. The major revision to the plans was to set the entrance to the rear of the units in each house back from the front line of the house. This was done to accommodate the wishes of the owners of 1374 K Street and lessen the impact on the existing building located at 1374 K Street, which is presently set back from the street line. In setting the entrance to the rear flats back to the same line as the adjoining building, two open courts are created. Those courts have widths which are less than that normally required for a court in an R-4 District, and a variance is thus required.

9. The lot slopes sharply up from the property line at the front, and then is level for the major part of the site. The applicant proposes to excavate only the front portion of the lot, in order to minimize the amount of earth to be moved, and also to minimize shoring and excavation work for the adjoining building at 1374 K Street. Because of the slope, and the design of both the existing and proposed buildings, the buildings will be four stories in the front and only three stories in the rear. In order to build without a variance, the full depth of the building would have to be excavated.

10. The two flats would be approximately the same height as the present building at 1374 K Street. There are other buildings in the area which are four stories in height.

11. The Municipal Planning Office, by report dated December 15, 1978 and by testimony at the hearing, recommended that the request for an additional story be denied and the request for area and court variances be approved. The MPO found that the latter variances were related to the size and limited area of the property, while the former was related to economic considerations.

12. As to the comments of the MPO concerning the variance for the number of stories, the Board finds that the basis for that variance is directly related to the property, including the slope at the front of the site and the configuration of the existing building at 1378 K Street.

13. Advisory Neighborhood Commission Commission 6B, by written statement dated December 20, 1978, reported that no quorum was present when the matter was considered by the ANC. The ANC did report that seven out of fifteen Commissioners unanimously supported the application conditioned upon the satisfaction of Mrs. Rice, who was the adjoining property.

14. The Board finds that the concerns of Mrs. Rice, who owns 1374 K Street, have been resolved by the revisions made by the applicant and by action of the Board in approving the variances.

15. There was no opposition to the application.

CONCLUSIONS OF LAW:

The requested variances are area variances, the granting of which requires the showing of a practical difficulty arising out of the property itself. Based upon the record and the findings of fact, the Board concludes that the lot area variance of thirteen feet is minimal, is directly related to the property and is reasonably necessary in order to develop the property with any kind of dwelling. In addition, the Board concludes that the variance from the width of the open court is needed to accommodate open stairs on the side of the building in order to gain access, to accommodate the wishes of the adjoining property owner and to minimize impact on that adjacent building.

The Board concludes that the variance allowing a four story building in the R-4 zone is reasonable in order to provide adequate living quarters and to avoid the necessity for additional excavation. The Board concludes that due to the size and limited area of the site, the slope and the existing buildings, a practical difficulty arises from the property itself and warrants relief. The Board further concludes that the above application 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 Map. Accordingly, it is ORDERED that the application is GRANTED in accordance with the revised plans marked as Exhibit 37 of the record.

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

