GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12842, of John Ackerman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from Sub-section 1302.2 allowing a subdivision of two lots into four lots not meeting the lot area and lot width (Sub-section 3301.1), lot occupancy (Sub-section 3303.1) side yard (Sub-section 3305.1) open court (Sub-section 3306.1) and off-street parking (Sub-section 7202.1) requirements in an R-4 District to permit a subdivision and conversion of two existing apartment buildings into three row dwellings and one semi-detached dwelling at the premises 724,7241/2,726, and 7261/2 - 11th Street, S.E., (Square 995, Lot 56 and 57).

HEARING DATE: January 17, 1979
DECISION DATE: January 17, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 11th Street, S.E., between G and I Streets in an R-4 zone District, at premises 724, 7241/2, 726 and 7261/2 - 11th Street, S.E.

2. Lot 56 has an area of approximately 2,800 square feet and lot 57 has an area of approximately 3,146 square feet. The property is presently improved with two existing apartment buildings containing a total of eight units that are vacant and in a very deteriorated state.

3. The applicant proposes the renovation and conversion of the buildings into three row and one semi-detached dwelling. Each of the present buildings would be divided into two units.

4. The property is surrounded to the south by a fifteen foot alley, to the north by a three story row dwelling and immediately to the rear by a one-story cinderblock garage.

5. Square 995, although predominantly residential, is zoned C-2-A to the south of the subject site. There are, in addition, a number of non-conforming uses in the R-4 zoned portion including a printing shop, real estate office and warehouse.

6. The proposed dwelling at 724 - 11th Street is classified as a semi-detached dwelling because the existing building at 724 11th Street has a side yard of 3.09 feet. The newly created building thus requires a variance from the lot area requirements of 47% or 1,417.12 square feet based on a minimum lot area of 3,000 square feet. The lot width is 18.09 feet but requires a variance of 11.91 feet since the dwelling is classified as a semi-detached dwelling. A lot occupancy variance of 64.35 square feet or ten per cent is also required. A side yard variance of 4.91 feet is also required as is a variance from the off-street parking requirement of one space.

7. The two center dwellings require variances from the open court requirements of the Zoning Regulations as a result of the open court which now exists. No change in the court is proposed. The remaining three proposed dwellings require variances from the lot area, lot width, and off-street parking requirements.

8. There was no report from Advisory Neighborhood Commission 6B on this application.

9. The Office of Planning Development, by report dated January 11, 1979, and by testimony at the time of public hearing, recommended approval of the application on the grounds that the area variances required to convert these apartment buildings into row dwellings are either technical in nature or a result of the configurations of the two buildings as they were constructed in 1913. The Office of Planning Development also reported that each of the proposed four lots will be larger than many of the surrounding residential lots, and that the applicant's proposal in this case is a reasonable one which will be in conformance with the purpose of the R-4 District. The Board so finds.

10. The applicant does not presently provide parking on the site, nor is there room to provide parking. There is unrestricted parking in front of the site. The applicant further testified that there is ample on-street parking surrounding the site.

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

12. There was oral testimony at the public hearing in support of the application given by an adjoining property owner.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that the configuration of the two buildings as they were constructed in 1913, prior to the adoption of the Zoning Regulations constitute such a practical difficulty.

The Board is of the opinion that the proposal is in harmony with the purposes of the R-4 District. The granting of this application will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the Zoning Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 5-0 (Theodore F. Mariani, William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris 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: 8 MAR 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.