

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12964, of Joyce Rollerson, pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the prohibition against allowing an increase in the lot area which will be greater than what existed on May 12, 1958 (Paragraph 6101.32) the rear yard requirements (Sub-section 3304.1 and Paragraph 6101.32) and the lot occupancy requirements (Sub-section 3303.1) and Paragraph 6101.32) for a proposed subdivision, alterations and addition to convert two single family dwellings into one dwelling in a C-M-1 District at the premises 1129-31 - 3rd Street, N.E. (Square 773, Lots 252 and 253).

HEARING DATE: July 18, 1979
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject property is located in a C-M-1 zone District on the east side of 3rd Street, between L and M Streets, N.E.
2. The subject property is presently improved with two adjoining two-story plus basement brick row houses, each on its own lot of record.
3. The applicant proposes to subdivide the properties into one record lot. The applicant also proposes to combine the two adjoining row dwellings into one single family dwelling unit which would continue to be a row dwelling. The applicant further proposes to construct a rear addition to each house. The rear of what is now 1129 - 3rd Street would have a one story kitchen added. The rear of what is now 1131 - 3rd Street would have a bath added at the second floor only to serve the master bedroom.
4. Each lot is presently 14.75 feet wide and 54.855 feet deep, for an area of 809.11 square feet. When combined, the lot will have an area of 1618.22 square feet.
5. Paragraph 6101.32 of the CM District Regulations provides that any addition or enlargement to a dwelling existing on May 12, 1958 "shall conform with the yard, court and percentage of lot occupancy standards for an R-3 District."

6. Pursuant to Sub-section 3304.1 of the Zoning Regulations, in an R-3 District a rear yard of at least twenty feet is required. The existing buildings each have a rear yard of 26.109 feet. The applicant proposes to provide only 7.44 feet behind the addition. Thus a variance of 12.56 feet is required.

7. Sub-section 3303.1 provides for a maximum lot occupancy of sixty per cent in the R-3 District for a row dwelling. The subject property is approximately 1,618 square feet in area. The allowable lot occupancy is 970.93 square feet. The existing buildings occupy 826 square feet. The applicant proposes to occupy 1,295.23 square feet. Thus a variance of 324.30 square feet or 33.40 per cent is required.

8. Paragraph 6101.32 of the Zoning Regulations also provides "that any increase in the building area of the dwelling shall be based upon a lot of a size not greater than that existing on the effective date of these regulations." Since the applicant is proposing to combine the two lots into one large lot, a variance from this requirement is also required.

9. The applicant testified that because of the narrowness and small size of the existing lots, the properties are not suitable for renovations as individual units. The applicant thus proposes to combine the lots into one larger property, which is still below the minimal requirements of the R-3 District.

10. All of the structures in the block from L Street to M Street are row dwellings devoted to residential use. The renovation and continued use of these houses as a residence is thus consistent with existing land use pattern in the block. Directly across the street is a sheet metal organization. Also located across the street is the D.C. Arena, which is no longer being utilized.

11. There was no report from Advisory Neighborhood Commission 2C on this application.

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

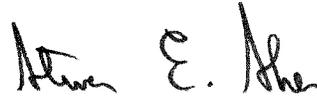
CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing finding 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 an exceptional situation or condition of the property which causes a practical difficulty upon the owner. The Board is of the opinion that the exceptional narrowness and small size of the existing lots constitutes such a practical difficulty. The Board concludes that the requested relief 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 hereby ORDERED that the Application be GRANTED.

VOTE: 5-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to GRANT; Walter B. Lewis to GRANT by PROXY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

8 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR 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.