

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12973 of Bart Bren, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against the subdivision of one lot into two lots not meeting the lot area and lot width requirements (Sub-sections 1302.2 and 3301.1) and from the parking space requirements (Sub-section 7202.1) for a proposed subdivision and conversion of two four unit apartment houses into four single family dwellings constituting three row dwellings and one semi-detached dwelling in an R-4 District at the premises 1229-1235 D Street, N.E., (Square 1008, Lots 113 and 114).

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

FINDINGS OF FACT:

1. The subject properties are located on the south side of D Street, N.E., between 12th and 13th Streets. They are in an R-4 District.

2. The majority of dwellings in this area are row dwellings. There are also a substantial number of two, three and four story apartment buildings in the vicinity. The R-4 District in which this property is located covers most of the Capitol Hill area. A small C-2-A District is located between 13th and 14th Streets east of the site, and the H Street Benning Road commercial center is located approximately four blocks to the north.

3. The applicant proposes to convert two existing four unit apartment buildings into four single family dwellings constituting three row dwellings and one semi-detached dwelling.

4. The proposed subdivision of Lot 113 on which premises 1229 and 1231 stand and Lot 114 on which premises 1233 and 1235 stand will require area variances as follows:

<u>Address</u>	<u>Lot Area Variance</u>	<u>Lot Width Variance</u>
1229 D St.	360 Sq. Ft.	2.05 Ft.
1231 D St.	360 Sq. Ft.	2 Ft.
1233 D St.	360 Sq. Ft.	2 Ft.
1235 D St.	907.50 Sq. Ft.	6.75 Ft.

There is no way for the applicant to add to the width or area of the lots.

5. A parking variance of one space is also requested for 1231 D Street.

6. Premises 1235 D Street is classified as a semi-detached dwelling since the eastern face of the existing building does not coincide with the property line. The lot is 2,325 feet wide and has an area of 2,092.50 square feet. If based upon the standards for row dwellings in the subject R-4 District, this is the only lot of the four which would meet or exceed the requirements.

7. Each of the subject dwellings has a rear yard over thirty feet deep and contains a shed in the extreme rear of it's lot. Premises 1235 D Street also has a rear garage. A ten foot wide public alley borders the rear of the properties. A fifteen foot wide public alley runs along the west of the properties.

8. The applicant testified at the public hearing that he proposes to put a concrete parking slab nine by nineteen feet in each of the rear yards to accommodate one automobile. The sheds will be demolished. These parking arrangements do not show on the plats or plans submitted by the applicant. The application was advertised to reflect a variance from the parking space requirements of Sub-section 7202.1. The Board finds that since parking will be provided for each unit, no such variance is required.

9. The Office of Planning and Development, by report dated July 10, 1979, recommended that the application be approved. The OPD noted that the application contemplates the conversion of two existing four unit apartment buildings into four single family dwellings. The use of this property for single family, owner-occupied dwellings is an appropriate use of this property and one which is in keeping with the city's policy of encouraging homeownership opportunities. The proposed dwellings would also be compatible with the low density residential character of the neighborhood. The OPD further noted that all of the variances requested for the proposed dwellings are area variances. It stated that there is no practical means of complying with the lot width and lot area requirements of the proposed lots at 1229, 1231 and 1233 D Street, N.E. and that the granting of these variances can be accomplished without adversely affecting the light, air and ventilation of the subject premises or adjoining properties. The Board so finds.

10. Advisory Neighborhood Commission 6A made no recommendation on the application.

11. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty arising from the property itself. The Board concludes that the configuration of the existing properties results in the undersized lot width and area and is the practical difficulty. There is no way that the applicant can add to the structures already existing on the lot. The applicant plans to gut the buildings and restore them to a viable condition that would enhance them and the neighborhood. The Board found in Findings of Fact Nos. 6 and 9 that the proposed use of the building is appropriate for the buildings, the neighborhood and District of Columbia Housing programs. In addition the variances are minimal.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

Vote: 4-0 (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  
Executive Director

FINAL DATE OF ORDER: 27 SEP 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 PRODECURE 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.