

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12978 of Redstart Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against a sub-division of one lot into three lots, not meeting the lot area, lot width, and open court requirements (Sub-section 1302.2, 3301.1 and 3306.1) to construct row dwellings in an R-4 District at the premises 1631, 1633, and 1635 New Jersey Avenue, N.W., (Square E-509, Lot 805).

HEARING DATE: July 18, 1979

DECISION DATE: July 18, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the east side of New Jersey Avenue approximately 160 feet south of its intersection with R Street. The premises known as 1631, 1633 and 1635 New Jersey Avenue, N.W. are in an R-4 District.

2. The subject site is rectangular in shape, topographically level, and consists of 2,873 square feet of land area. It is improved with three two story row dwellings of frame construction which were built over eighty years ago. The premises have always been rental units. They have been vacant for the past eight to ten years.

3. The three dwelling units are on one lot. They have been operated as individual units each with its own heating unit, bath and kitchen facilities.

4. The subject premises are in a state of disrepair, having broken windows and missing doors. The front and rear yards of the subject premises are unkempt.

5. The subject property extends from New Jersey Avenue to a ten foot wide public alley. The premises are surrounded by row dwellings and multi-family buildings.

6. The subject square E-509 is mainly comprised of lot widths varying from twelve to twenty feet.

7. The applicant proposes to sub-divide the subject lot into three lots and renovate the three existing dwelling units on the site for sale or rent.

8. The sub-division will create three non-conforming lots, each of which will have an average lot width of 13.33 feet. Section 1302.2 of the Zoning Regulations prohibits the sub-division of a lot if the newly created lots will be in violation of the area provisions in the affected zoned district.

9. The applicant requests relief from the Zoning Regulations. For all three premises there is a required lot area of 1800 square feet. The areas provided are 933.76 square feet, 958.21 square feet and 981.22 square feet for 1631, 1633 and 1635 New Jersey Avenue, N.W. respectively. Variances of 866.24 square feet, 841.79 square feet and 818.78 square feet are therefore needed.

10. Each lot is also required to be eighteen feet wide. The applicant is providing 13.33 feet, 13.34 foot and 13.33 feet for the premises and needs variances of 4.67 feet, 4.66 feet and 4.67 feet respectively.

11. The R-4 zone requires an open court to be a minimum of six feet wide. The applicant is providing 4.35 feet and needs a variance of 1.65 feet for the premises 1633 and 1635 New Jersey Avenue, N.W.

12. The exterior facades will be restored and new kitchens, baths and a central air conditioning unit will be installed.

13. The rear yards will have patios and will be enclosed with a stockade fence.

14. All work will be performed in accordance with the D.C. Building Code. The work will include the separation of the units with regulation party walls. The proposed cost of restoration will be twenty thousand dollars for each dwelling.

15. The applicant does not intend to demolish any of the existing structures.

16. The Office of Planning and Development, in a report dated July 12, 1979 recommended that the application be granted on the grounds that the properties have been in use for about seventy-five years and have been vacant for the past ten years, that the subject square E-509 is developed almost entirely with row dwellings on substandard-size lots and that the proposal to renovate these vacant units, bringing them up to current building code standards and then either selling them as fee simple or renting the units will improve the housing stock in this area. The OPD further reported that the requested area variances will not impair the intent of the Zoning Regulations nor will they be out of harmony with the existing neighborhood. The Board so finds.

17. There was one letter on file opposing the sub-division of the lot on the grounds that the subject lot is too small. The Board finds that the applicant has demonstrated the basis for a variance, and notes that the dwellings have existed without apparent adverse effect for many years.

18. Advisory Neighborhood Commission 5C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact, the Board concludes that the variances requested are area variances, the granting of which requires the showing of a practical difficulty upon the owner inherent in the property itself. The Board concludes that the practical difficulty is in the small size of the lot itself and the nature of the existing improvements.

The Board notes that the three dwellings were rental-occupied for approximately eighty years and that they have been vacant and in a state of disrepair for the past ten years. The Board also notes that the three units have always been independently operated.

The Board concludes that although the subdivision of the subject lot will create three non-conforming lots, the existing structures will be fully restored, made habitable again and put on the market for sale or rent. The Board notes the addition to the city housing stock.

The Board concludes that the granting of the variances will not be of substantial detriment to the public good and that the variances can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and map

Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Leonard L. McCants to grant Walter B. Lewis not present, not voting).

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

ATTESTED BY: _____

Steven E. Sher

STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

5 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 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.