

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13024 of Senator Mike Gravel, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Section 3104), against the prohibition of allowing an addition to a non-conforming structure to house a non-conforming use (Sub-section 7107.1), the open court requirements (Sub-section 3306.1), the rear yard requirements (Sub-section 3304.1), the lot occupancy requirements (Sub-section 3303.1) and the story limitation requirements (Sub-section 3201.1) for a proposed addition to a non-conforming structure to house a dwelling and a non-conforming use (offices) in an R-4 District at the premises 117 2nd Street, N.E., (Square 758, Lot 807).

HEARING DATE: August 15, 1979

DECISION DATES: September 5th and October 3, 1979

FINDINGS OF FACT:

1. At the public hearing the applicant withdraw from consideration before the Board the request to use the basement and first floor of the subject building for office purposes. This resulted in the withdrawal of the requests for the variance from the use provision (Section 3104) and from the prohibition against allowing an addition to a non-conforming structure to house a non-conforming use (Sub-section 7107.1).
2. The subject property is located in an R-4 District on the east side of 2nd Street between A Street and Constitution Avenue, N.E.
3. The subject property is twenty feet wide and varies in depth from 73.79 to eight-five feet. The lot contain 1,587.90 square feet. The lot is improved with a three story plus basement building which has no side yards.
4. The last recorded Certificate of Occupancy, No. B-105485, was issued on December 30, 1977 and authorized use of the building as a six unit apartment house.
5. The applicant proposes to renovate the building and convert it to a three unit apartment house. There would be one unit in the basement, one on the main floor and one duplex unit on the top two floors. The applicant intends to reside in the duplex, and rent the other two units.

6. The applicant proposes to add to the basement and top story of the building. The basement presently extends for approximately half the depth of the building. The applicant proposes to excavate the existing crawl space under the first floor and extend the basement for the full depth of the house.

7. The ceiling of the basement is more than four feet out of grade at the point where the height of the building is measured. The Basement must thus be counted as a story in considering compliance with the three story limitation of the R-4 District. The third complete story out of grade is thus the fourth story under the Zoning Regulations, and the building is thus a non-conforming structure. The fourth story presently extends for approximately half the depth of the building. The applicant proposes to extend the fourth story for the full depth of the dwelling.

8. The existing building has a rear yard which average less than the normal required minimum depth of twenty feet. Since the top addition extends to the same line as the existing building, a rear yard variance of 12.98 feet is required.

9. The fourth floor addition also encroaches on the required width of a court. The fourth floor addition follows the line of the existing building and does not decrease the width of the existing court which is only 5.58 feet wide.

10. The plans originally submitted with the application, marked as exhibit No. 13 of the record, included an elevator to serve the top apartment located at the rear northeast corner of the building. The elevator was located in the rear yard, and further reduced the depth of the rear yard.

11. At the public hearing, the applicant proposed to amend the application to move the location of the elevator from the rear of the building to the side of the building in a court. The addition of the elevator shaft increases the lot occupancy of the property by 27.14 square feet. The existing building already occupies 1,175.78 square feet. The existing plus the addition would occupy 1,202.92 square feet, or 567.76 square feet more than the 635.16 square feet of building area normally permitted.

12. Subsequent to the hearing, the applicant submitted revised plans, marked as exhibit No. 31 of the record, which showed the elevator to the side of the building and the office use in the lower two floors eliminated.

13. Advisory Neighborhood Commission 6B, by letter dated August 21, 1979 which supplemented testimony at the hearing, reported that it welcomed the withdrawal of the request for a use variance. The ANC voted to take no position on the application as amended.

14. The Capitol Hill Restoration Society, by statement dated August 15, 1979 and by testimony at the hearing, opposed the application as originally filed and advertised. The Society also was pleased that the use variance was withdrawn. The Society took no position on the amended application.

15. The owner of the abutting property to the south, the side on which the elevator would be located, submitted a telegram for the record stating support for the proposed improvement.

16. The owners of the abutting property to the north submitted a letter and testified at the hearing in opposition to the fourth floor addition. The property to the north is similar to the subject site in that it presently has a fourth floor which extends only half the depth of the building. The remainder of the roof of the third floor is enclosed by an eight foot high stockade fence and is used as a roof deck. The abutting owners objected to the proposed fourth floor addition on the grounds that it would interfere with the southern exposure of the existing deck.

17. As to the concerns expressed by the abutting owner, the Board finds that the proposed addition would extend only two feet above the level of the existing fence and that the proposed rear of the existing building is now visible above the fence. The Board finds that the proposed addition would not significantly reduce light and ventilation to the adjoining property.

CONCLUSIONS OF LAW AND OPINION:

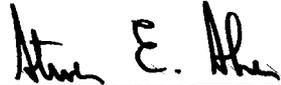
The Board concludes that the requested variances are area variances, the granting of which requires the showing of some exceptional situation or condition of the property which creates a practical difficulty for the owner. The Board concludes that the size and configuration of the lot and the location of the existing building on the lot combine to create such a difficulty for the owners. The Board notes that the addition to the basement and fourth floors do not result in increased lot occupancy. The Board further notes that the increase in lot occupancy occasioned by the elevator is only twenty-seven square feet. The Board further notes that the existing rear yard and court will not be decreased in depth or width because of the additions. The Board concludes that the 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 Maps. It is therefore ordered that the application as amended be GRANTED, subject to the condition that the renovations and additions to the building be carried out in accordance with the revised plans marked as Exhibit No. 31 of the record.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith, and Leonard L. McCants to grant, Ruby B. McZier 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:

1 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.