

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13034 of Micanopy Investment Coporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area requirements (Sub-sections 3301.1 and 1302.2), the lot occupancy requirements (Sub-sections 3303.1 and 1302.2, the rear yard requirements (Sub-sections 3304.1 and 1302.2) and from the off-street parking requirements (Sub-sections 7202.1 and 1302.2) for a proposed subdivision and new residential development comprising four row dwellings in an R-4 District at the premises 1627-1633 Kramer Place, N.E., (Square 4540, Lots 232,233,825-).

HEARING DATE: September 12, 1979
DECISION DATE: October 3, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the south side of Kramer Street between 16th and 17th Streets, N.E.
2. The subject property consists of six presently vacant lots, each twelve feet wide and fifty feet deep. Each of the six lots had previously been improved with a dwelling. All six of the dwellings were demolished because they were in deteriorated condition.
3. The property is abutted at the rear by a ten foot wide public alley. There are existing rowhouses to both the east and west of the subject site. The majority of the lots on the south side of Kramer Street are fifteen feet wide, while the lots on the north side of the street are only twelve feet wide. The existing dwellings are two stories in height.
4. The applicant proposes to subdivide the six existing lots into four new lots, each having a width of eighteen feet and an area of 900 square feet. The minimum lot area for a row dwelling in an R-4 District is 1800 square feet. The applicant thus requires a variance of 900 square feet of lot area for each lot. In order to create lots which conform to the minimum area requirements, the applicant would have to create two lots each being thirty-six feet in width. Such lots would be out of character with the area.

5. The applicant proposes to construct a two story row dwelling on each new lot. Each row dwelling would be eighteen feet wide and forty feet deep. Each dwelling would therefore have a building area of 720 square feet and a rear yard of ten feet. The Zoning Regulations specify a maximum lot occupancy of sixty per cent, or 540 square feet. A minimum rear yard of twenty feet is also required. The applicant thus requires a variance of 180 square feet of lot occupancy and ten feet of rear yard for each dwelling.

6. The applicant proposes to provide no off-street parking for the dwellings. The depth of the rear yard, ten feet, is not sufficient to provide a parking space. In addition, the narrow width of the alley makes maneuvering into parking spaces in the rear yard very difficult. If the applicant provided garages in the houses with access from Kramer Street, the houses would have to be three stories tall and would be out of character with the predominant heights in the block. Such a scheme would also cut down on the number of on-street parking spaces in the area.

7. There is testimony in the record, that on-street parking in the immediate vicinity of the site is available, and that curb cuts which would reduce on-street parking should be avoided.

8. The subject lots are extremely small, and are presently non-conforming. The proposed subdivision decreases the degree of non-conformity, but does not bring the lots into strict compliance with the Zoning Regulations.

9. There was no report from Advisory Neighborhood Commission 5A.

10. There were several homeowners of property on the block present at the hearing in support of the application. There was no opposition to the application.

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 condition or situation of the property which creates a practical difficulty for the owner. The Board concludes that the extremely small size and shallow depth of the lots creates the practical difficulty. The Board notes that the applicant has alternative means to deal with the lot area, lot occupancy and parking variances, but the Board concludes that to do so would result in dwellings which are out of character with that particular area. The Board notes that there were several owners of homes in the subject block who appeared at the hearing in

support of the application. 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 Maps. It is therefore ORDERED that the application is GRANTED.

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

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 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.