

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13041 of Wash Equity Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the minimum lot area and lot width requirements (Sub-sections 1302.2 and 3301.1) and from the off-street parking requirements (Sub-section 7202.1) for a proposed subdivision and conversion of nine apartment buildings into eighteen row dwellings in an R-4 District at the premises 1200, 1204, 1208, 1212, 1216, 1220, 1224, 1228 and 1232 - 16th Street, N. E., (Square 4079, Lots 225-233,

HEARING DATE: 9/19/79
DECISION DATE: 10/3/79

FINDINGS OF FACT:

1. The subject property is located on the west side of 16th Street between Raum Street and Meigs Place, N.E. It is in an R-4 District.

2. The subject site is improved with nine two-story garden apartment buildings with rear screened porch additions containing thirty six dwelling units. They are presently vacant. The apartment houses were built in 1942.

3. The applicant proposes to convert the nine buildings into eighteen row dwellings and sell the units as fee simple single family row dwellings.

4. The conversion will include the removal of staircases within each of the nine buildings, the erection of party walls within each, and a provision for an interior staircase on each side of the party wall.

5. The interior layout of each of the proposed dwelling units will consist of a living room, combination dining/family room and kitchen area, full bath and covered balcony on the first floor and two bedrooms, covered balcony and bath on the second floor.

6. To the north of the subject property is Raum Street, followed by occupied apartment buildings of the same physical description as the subject property in the R-4 District. To the east is 16th Street, followed by apartment buildings and a few recently converted row dwellings in the R-4 District. To the south is Meigs Place, followed by apartment buildings in the R-4 District and to the west is a sixteen foot wide public alley followed by nine occupied garden apartments in the R-4 District. The Ruth T. Webb Elementary School and playground is further to the west in the R-4 District.

7. The Zoning Regulations require a minimum lot width of eighteen feet and a minimum lot area of 1,800 square feet in the R-4 District for row dwelling development. The subject apartment buildings when divided into separate row dwellings will have an average lot width of 16.67 feet and 1,521 square feet of land area. Variances for lot width and lot area in the approximate amount of 1.33 feet and 279 square feet respectively are requested.

8. The proposal meets the rear yard and lot occupancy requirements of the Zoning Regulations.

9. Sub-section 7202.1 of the Zoning Regulations requires that a minimum of one off-street parking space be provided per single family row dwelling in the R-4 District. The applicant's site plan makes no provision for off-street parking.

10. The applicant testified that there is an elevation difference between Meigs and Raum Streets, along 16th Street, of over six feet. The difference is close to fourteen feet using the alley behind. There are also elevation differences between the rear yards and the adjacent alley. In order to provide a reasonable parking space of nine feet by nineteen feet within the rear yard, which is only 16.67 feet wide, an earth mound must be erected, leaving the parked car higher than the rear porch level. The applicant further testified that it does not contemplate any grade changes within the buildings nor on the rear exterior, nor to reduce the percolation capabilities of the nicely sodded areas, which at present offer secluded privacy, once properly

fenced in and landscaped as planned. The applicant requested that the parking requirements for all properties be waived for the above reasons. The applicant further testified that there are ample on-street parking possibilities along the roughly 510 linear foot long frontage of the adjoining Meigs Street, 16th St. and Raum St., permitting twenty cars back to back, parked along the curb.

11. The Office of Planning and Development, by report dated 9/14/79, recommended that the variances be approved on the grounds that the subject premises were built prior to the Zoning Regulation's requirement for off-street parking. The proposed conversion of the subject premises from thirty-six rental units to eighteen single family units will theoretically lessen the number of vehicles at this location. A field inspection was conducted by OPD staff at which time severe grade differences were noted between the alley and the rear property lines along a northerly portion of the alley right-of-way. Upon close scrutiny, it would appear that a majority of the rear yards could be accessible from the alley by automobile and physically accommodate regulation-size off-street parking pads. The OPD reported however, that the limited open space afforded these lots would be better utilized for outdoor recreation. There is sufficient curb space along the site's frontage on Raum Street, 16th Street and Meigs Street to accommodate approximately 22 cars. Street parking is allowed on this residential street. The OPD further reported that compliance with the lot width and area requirements, given the building's existing structures, structural systems, interior layout, party wall locations and existing plumbing, would create an exceptional practical difficulty upon the owner. The OPD reported that this proposal, if granted, will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the Zoning Regulations and Map. The Board concurs as to the lot width and lot area requirements.

12. There was no opposition to the application.

13. ANC-5B made no recommendation on the application.

14. At the public hearing the Board requested the applicant to submit further evidence in support of its testimony in finding No. 10. The applicant submitted a site plan (Ex. 25) reflecting the grades, various elevations and contour lines.

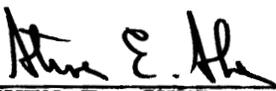
CONCLUSIONS OF LAW:

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 stemming from the property itself. The Board notes that the applicant basically seeks to retain the structures of the subject properties as built prior to 1942, a date preceding the current Zoning Regulations of May 12, 1958. The applicant is thus restricted as to the dimensions of the lots and the structures thereon. In this sense the practical difficulty is inherent in the properties. As to the variance from the parking requirements the Board concludes that the severe grade differences as testified to in findings No. 10 and 11 establish the practical difficulty. The Board further notes that the surrounding streets of the subject property have unrestricted parking and that the proposed eighteen units will generate less demand for parking spaces than the prior thirty-six units. 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 (Walter B. Lewis, Charles Norris, Chloethiel Woodard Smith and William F. McIntosh to grant, Leonard McCants not voting, not having heard the case).

BY THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 DEC 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.