

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13102 of Mandell and Sommer Builders, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to use the basement, first, second and third floors of the subject premises as an apartment house consisting of four units in a C-2-A District at the premises 1013 P Street, N.W., (Square 337, Lot 13).

HEARING DATE: November 28, 1979

DECISION DATE: December 19, 1979

FINDINGS OF FACT:

1. The subject property is located in a C-2-A District on the north side of P Street between 10th and 11th Streets, N.W.
2. The subject property is improved with a three story plus basement brick building. The existing building was constructed prior to May 12, 1958.
3. The existing building is presently vacant. The last recorded use of the property was as a flat, as authorized by Certificate of Occupancy No. B-35491, dated March 6, 1963.
4. The applicant proposes to use the building as an apartment house containing four units. There would be one unit in the basement and one on each floor. The apartment house use is permitted as a matter-of-right. The applicant testified that, given the size of the building itself, it is not practical to renovate the building for less than four units.
5. Sub-section 7202.1 normally requires one parking space for each two units in a C-2-A District. However, since the building was built prior to 1958, the required parking is governed by Sub-sections 7201.2 and 7201.3. Those Sub-sections require parking to be provided in the case of a change in use or increase in intensity of use only if more parking is required under the changed or increased circumstances than the previous situation required. The previous use required one parking space. The proposed use normally requires two parking spaces. Therefore, only one parking space is required to be provided in this case.

6. The existing building occupies about 100 percent of the lot. No parking space has been or can be provided on the lot. The applicant therefore requests a variance to provide no off-street parking.

7. There is on-street parking usually available in the immediate vicinity of the subject site. The site is also situated close to the downtown area, in close proximity to shopping facilities, and has good accessibility by mass transit.

8. The owner of the abutting property to the west submitted a letter for the record in support of the application.

9. There was no report from Advisory Neighborhood Commission 2C.

10. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size of the existing building and the lot occupancy of the existing building creates such a difficulty for the owner. The Board notes that the use proposed for this building is permitted as a matter-of-right. The Board concludes that, given the location of the building and the availability of adequate on-street parking, the variance 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 Map. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune, Leonard L. McCants and William F. McIntosh to grant)

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

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

FINAL DATE OF ORDER: 10 MAR 1980

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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.