

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13163 of Ronald J. Chancellor, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and lot width requirements (Sub-section 3301.1), the lot occupancy requirements (Sub-section 3303.1), the open court requirements (Sub-section 3301.1) and the off-street parking requirements (Sub-section 7202.1) for a proposed subdivision and construction of two row flats in an R-4 District at the premises 1410 and 1412 5th Street, N.W., (Square 479, Lots 810 and 811).

HEARING DATE: March 12, 1980

DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of 5th Street between P and O Streets, N.W., in an R-4 Zone District at premises known as 1410 and 1412 5th Street, N.W.

2. With the exception of an existing dilapidated structure resembling a shed at the rear of 1412 5th Street, the property is vacant and unimproved.

3. The applicant proposes the erection of two two-story structures to be used as flats. The buildings would be row type structures, having no side yards.

4. The subject area is predominantly developed with two story row dwellings constructed on lots of comparable size. The applicant proposes to build the structures face on line with existing row dwellings on either side.

5. Pursuant to Sub-section 3301.1 of the Zoning Regulations a minimum lot area of 1800 square feet and minimum lot width of eighteen feet are required. The applicant provides a lot area of 1,672.66 square feet at 1412 and 1,377.59 square feet at 1410. The lot width for 1412 averages 17.91 feet and 1410 is 23.13 feet width. The applicant therefore seeks a variance from the lot area and width requirements of the Zoning Regulations.

6. The property is irregular in shape, having wider fronts that taper off towards the rear of the lots.

7. The property is not bordered at the rear by an alley, and is therefore inaccessible by automobiles at the rear. The applicant is thereby unable to provide parking at the rear of the site, and seeks a variance from the off-street parking requirements of sub-section 7202.1 of the Regulations. The applicant testified that there is no other space on the site to accommodate parking. The Board so finds.

8. Sub-section 3303.1 allows a maximum of sixty percent lot coverage. The applicant meets this requirement with respect to 1412. The percentage of lot occupancy for 1410 however, exceeds the allowable 60% by 29.26 square feet or 3.45 percent. Thus a variance is required.

9. Due to the extreme narrowness at the rear of the site, the applicant's plans include a dog-leg effect at the rear of the structure. This creates an open court at 1412 of less than the ten feet required under sub-section 3306.1. Thus a variance is necessitated.

10. There was no report of Advisory Neighborhood Commission 2C on this application.

11. There was no opposition to the granting of this application.

CONCLUSION OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record the Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of a practical difficulty arising out of the property upon the owner. The Board concludes that the shallowness in width at the rear, as well as the substandard size of the lots creates such a difficulty. The lots are comparable in size to adjoining and surrounding lots. The Board further concludes that the requested variances 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. Accordingly, it is hereby ORDERD that this application is GRANTED, in accordance with plans submitted as exhibit 9 of the record.

VOTE: 4-0(Charles R. Norris, William F. McIntosh and Connie Fortune to grant; Theodore F. Mariani to grant by proxy; 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: 30 JUN 1980

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.