

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13171, of David-James Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area requirements (Sub-section 3301.1) and the lot occupancy requirements (Sub-section 3303.1) and the allowable number of stories (Sub-section 3201.1) for the construction of a flat in an R-4 District at the premises 1378 K Street, S.E. (Square 1046, Lot 139).

HEARING DATE: February 13, 1980
DECISION DATE: March 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of K Street between 13th and 14th Streets in an R-4 zone district at premises known as 1378 K Street, S.E.

2. The subject property was subdivided under BZA Order No. 12834 dated February 26, 1979, to create two lots. The adjoining lot at 1376 K Street is improved with a four story flat constructed by the applicant in accordance with BZA Order No. 12834.

3. In Application No. 12834, there was an existing building on the lot which the applicant proposed to renovate for a flat. The applicant testified that during the course of renovation a subcontractor damaged the side walls of the structure, making the structure unsafe. The applicant subsequently demolished the building. The applicant intends to construct a new structure which will resemble the previous one and will be similar to the adjacent building at 1376 K Street, S.E.

4. The applicant proposes the construction of a four story flat on this portion of the site at this time. Sub-section 3201.1 limits the height of buildings in the R-4 District to three stories. Thus a variance is required to allow a fourth story. The site slopes steeply upward at the front and levels off at the top all the way to the rear. The applicant's design is such that the basement is out of grade and visible from the front of the structure giving the appearance of four stories. Because of the steep slope at the front, and the necessity for extensive excavation, the basement does not extend for the full depth of the house. Only three stories are visible from the rear.

5. The subject site is 1,787.5 square feet in area. Sub-section 3301.1 of the Zoning Regulations requires a minimum of 1800 square feet of lot area be provided for a flat. The applicant therefore seeks a variance of 12.5 square feet or .7 percent.

6. The lot is twenty feet wide and ninety feet deep, but has a small notch at its rear corner to accommodate the intersection of two alleys.

7. The subject site will contain one dwelling unit with three bedrooms and 1,640 square feet of floor area and a second unit with two bedrooms and 1,265 square feet of floor area.

8. The application meets the requirements of the R-4 zone with respect to lot width, required parking, rear yard and open court requirements.

9. Pursuant to Sub-section 3303.1 a maximum lot coverage of 60 percent or 1,072.5 square feet is allowed. The applicant proposes to occupy 1,080 square feet of the lot. Thus a variance of 7.5 square feet or .7 percent is required.

10. The two flats would be approximately the same height as adjoining buildings. There are other buildings in the area which are four stories in height. In order for the applicant to build without a variance, the full depth of the building would have to be excavated.

11. Advisory Neighborhood Commission - 6B by report, dated February 11, 1980, supported the application on the grounds that the slope of the site created the applicant's need for the variance of allowable stories. The Board so finds.

12. There were letters of support from surrounding property owners.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty arising out of the property itself. The Board is of the opinion the variances of .7 percent or 12.5 square feet of lot area and .7 percent or 7.5 square feet of lot occupancy are minimal, are directly related to the property and are reasonably necessary in order to develop the property with any kind of dwelling.

The Board concludes that the variance allowing a four story building in the R-4 zone is reasonable in order to provide adequate living quarters and to avoid the necessity for additional excavation. The Board concludes that due to the size and limited area of the site, and the slope of the site, practical difficulty arises from the property itself and warrants relief. The Board further concludes that the above application can be granted without substantial detriment to the public good and with out substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT; Walter B. Lewis and Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 MAY 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.