

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13182, of Capitol Hill Hospital, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot width and lot area requirements (Sub-section 3301.1) and from the parking requirements (Sub-section 7202.1) to construct a row dwelling in an R-4 District at the premises 822 Constitution Avenue, N.E. (Square 917, Lot 105).

HEARING DATE: March 12, 1980  
DECISION DATE: March 12, 1980 (Bebch Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Constitution Avenue between 8th and 9th Streets, N.E. It is located in an R-4 zone district at premises known as 822 Constitution Avenue, N.E.
2. The site is approximately 895 square feet in area, and is 16.50 feet wide by 54.25 feet deep. Although there was a structure on the site at one time, the lot is presently vacant and unimproved.
3. The site is located within the boundaries of the Capitol Hill Historic District. The applicant proposes to construct a row dwelling on the site.
4. Sub-section 3301.1 of the Zoning Regulations requires that a minimum of 1800 square feet in lot area be provided for row dwellings in the R-4 zone. The applicant provides 895.13 square feet. Thus a variance of 904.87 square feet or 50.27 percent is required.
5. Sub-section 3301.1 also requires a minimum lot width of eighteen feet. The subject site is 16.5 feet wide. Thus a variance of 1.5 feet or 8.3 percent is required.
6. The applicant testified that because of the narrowness of the lot and the minimal lot size, no off street parking is proposed. The applicant therefore requests a variance from Sub-section 7202.1 which requires one parking space be provided for one family dwelling units in all districts.

7. The application meets the requirements of the R-4 zone with respect to lot occupancy and rear yard provisions.

8. The proposed structure shall be three stories in height, and shall contain two bedrooms on the third floor, a living room and family room on the second floor and dining and kitchen area on the first floor.

9. The site is presently adjoined by existing three story structures. The general character of the neighborhood is predominantly that of three story row dwellings.

10. The Capitol Hill Restoration Society, Inc., by report dated March 11, 1980, supported the application on the grounds that the size of the lot makes it impossible to use the property without a lot width and area variance, that there was previously a dwelling unit on the lot and construction of a new unit would be consistent with the Zoning Regulations and would be in the public interest. The Society felt that the applicant could not provide parking required by Sub-section 7202.1 of the Zoning Regulations, as there is no rear access to the property. This would necessitate a curb cut to provide parking in front, on a street that is a secondary arterial street. This would result in a hazardous condition of backing in and out of the space. The Board concurs in the findings of the Society.

11. There was no report of Advisory Neighborhood Commission 6A on this application.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Facts and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of some exceptional situation or condition of the property which causes a practical difficulty upon the owner in developing the property in strict compliance with the Zoning Regulations. The Board concludes that the narrow width and the shallowness of the lot creates such a difficulty. The lot width and area is similar to that of adjoining and neighboring properties. The Board further 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 Map.

Accordingly, it is ORDERED that the application is hereby GRANTED, SUBJECT to the FOLLOWING CONDITIONS:

1. The applicant shall submit plans for the front and rear facades to be approved by the Joint Committee on Landmarks.
2. The proposed dwelling shall not exceed twenty-two feet in depth and three stories in height as shown on the plans marked as Exhibit No. 17 of the record.

VOTE: 5-0 (Theodore F. Mariani, Charles R. Norris, Connie Fortune, William F. McIntosh and Leonard L. McCants 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: 19 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.