

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13242 of Melville Roth, 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) to construct a flat in an R-4 District at the premises 401 - 10th Street, S. E., (Square 947, Lot 19).

HEARING DATE: May 21, 1980
DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District at the southwest corner of the intersection of 10th and D Streets, S.E.
2. The subject property is presently unimproved. It is a rectangular lot, having 19.17 feet of frontage on 10th Street and 72.25 feet on D Street.
3. The applicant proposes to construct a flat on the property. The flat would occupy the full width of the lot, and would have no side yards.
4. The area of the lot is 1385.03 square feet. As set forth in Sub-section 3301.1, the R-4 District requires a minimum lot area of 1800 square feet for a flat. A variance of 414.97 square feet is thus required.
5. The applicant proposes to construct a three story building. The first floor would consist of a one bedroom apartment. The second and third floors would be used as one unit, with a living room, dining room, kitchen and powder room on the second floor and three bedrooms and two bathrooms on the third floor.
6. The maximum permitted lot occupancy for a flat in an R-4 District is sixty percent. For this lot, the maximum permitted building area is thus 831.02 square feet. As originally submitted, the applicant proposed to cover 1001.63 square feet. A variance of 170.61 square feet would thus have been required.
7. At the public hearing, the architect for the applicant advised the Board that he had revised the plans for the building to meet some objections to the proposal which had been received. The depth of the building from 10th Street was reduced by four feet, from 52'3" to 48'3". This increases the depth of the rear yard to twenty-four feet, and brings the rear wall of the building site line

with the rear wall of the adjacent building at 403 10th Street. It also reduced the occupancy of the lot to 924.95 square feet. The extent of the variance is thus reduced, to require a variance of 93.93 square feet. The proposed lot occupancy would be 66.8 percent.

8. The Capitol Hill Restoration Society, by letter dated May 17, 1980, supported the lot area variance and opposed the lot occupancy variance as originally requested. The Society stated that, given the size of the lot, no house could be built on the site without a variance. The Society further stated that the lot is not as large as the nearby lots upon which flats have already been erected. The Society stated that the size of the lot created a hardship, which can be remedied by the granting of the lot area variance without apparent adverse effect. As to the lot occupancy variance, the Society stated that it found no hardship to justify the extent of the variance originally requested. The Society stated that it would not oppose a building which extended no further back than the adjoining building to the south. The plans as revised and submitted by the applicant at the hearing would be consistent with that position.

9. Advisory Neighborhood Commission 6B, by letter dated May 20, 1980, supported the lot area variance and apposed the lot occupancy variance. The ANC who found no hardship to support the lot occupancy variance, and stated that the applicant could build a house which would be in keeping with adjoining properties. The Board finds that the revised plans submitted meet the objections of the ANC.

10. The applicant submitted a petition for the record of owners of property in the 400 block of 10th Street who supported the variance. The owners of the immediate adjoining property to the south signed the petition.

CONCLUSIONS OF LAW AND OPINION

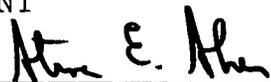
The Board concludes that the requested variances are area variances, the granting of which requires the showing of an extraordinary or exceptional condition of the property which creates a practical difficulty for the owner. The Board concludes that the size of the lot existing as of the effective date of the Regulations creates such a difficulty. No building can be built on this site without a variance. The small size of the lot also requires that a small lot occupancy variance be granted, to allow a reasonably sized flat to be built on the property. The Board

concludes that the revised building plan would result in a flat which would be compatible with and not adversely affect adjoining 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 Maps. It is therefore ORDERED that the application be granted in accordance with the revised plans marked as Exhibit No. 17 of the record.

VOTE: 3-0 (John G. Parsons, William F. McIntosh, and Connie Fortune, to grant, Charles R. Norris not present, not voting, 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
Executive Director

FINAL DATE OF ORDER: 20 AUG 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.