

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13311 of Jana Bevec, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and lot width requirements (Sub-sections 3301.1 and 1302.2), the lot occupancy requirements (Sub-sections 3303.1 and 1302.2) and the off-street parking requirements (Sub-section 7202.1) for a proposed subdivision and conversion of two apartment buildings into four single family row dwellings in an R-4 District at the premises 1415, 1415½ and 1417 and 1417½ D Street, N. E., (Square 1054, Lots 260 and 261).

HEARING DATE: July 30, 1980  
DECISION DATE: September 17, 1980

FINDINGS OF FACT:

1. The subject property is located on the south side of D Street, between 14th Place to the east and 14th Street to the west and is known as premises 1415, 1415½, 1417 and 1417½ D Street, N. E. It is in an R-4 District.
2. The subject site is 93.47 feet wide and 106.22 feet deep. The site is rectangular in shape and improved with two apartment buildings of four units each which were constructed about 1928 and which have suffered fire damage and are presently boarded up.
3. The buildings are sited at a higher elevation than D Street. There is a stone retaining wall along the side walk. There are deteriorating concrete and wood porch additions on the rear of the buildings. A concrete block wall which runs parallel to the rear property lines is set back eight feet from the rear alley.
4. The applicant seeks a proposed subdivision and conversion of the two apartment buildings into four single family row dwellings. The units will be sold in fee simple.
5. The applicant seeks for all four proposed units a lot area variance of 562.50 square feet and a lot width variance of three feet. For the units known as 1415 D Street and 1417½ D Street the applicant seeks a lot occupancy variance of 64.50 square feet. For the units known as 1415½ D Street and 1417½ D Street, the applicant seeks a variance from the off-street parking requirements of one parking space each.

6. To the north of the subject site, across D Street, which is a two way street, are two-story row dwellings, to the east across 14th Place are row dwellings, to the south is a ten foot wide public alley followed by an apartment house and to the west is a ten foot wide public alley followed by row dwellings.

7. The applicant's plans show each of the proposed units to consist of living and dining rooms, kitchen, powder room and utility area on the first floor. The second floor will consist of three bedrooms and two baths. The units will have fireplaces and skylights. The existing rear concrete porches will be enclosed with aluminum siding. The front yards will be landscaped and the rear yards will have concrete patios and six foot high privacy fences.

8. The rear yards of the proposed row dwellings abut a ten foot wide public alley. Approximately half of each rear yard has an elevation which is at least three feet higher than the abutting alley and is retained by a wall which is set-back eight feet from the rear property line. Steps are proposed which will provide egress into the rear yard. A parking pad could be accommodated on site parallel to the alley. These pads would be eight by fifteen feet and could accommodate compact sized cars. Nine by nineteen sized spaces are required by the regulations. On-street parking is allowed on D Street.

9. The Office of Planning and Development, by report dated July 24, 1980, recommended that the application be approved subject to the submission and the approval by the Board of a landscaping plan. The OPD reported that the requested variances to permit this conversion of two boarded up apartment houses to single family row dwellings will not cause substantial detriment to the public good or impair the intent of the Zoning Regulations. The OPD was of the opinion that there are exceptional physical conditions relating to topography and extra-ordinary situations due to the building's erection prior to 1958 which gives support to the practical difficulty finding necessary in granting variances of this nature. The Board so finds.

10. The Capitol Hill Restoration Society by letter of July 27, 1980 recommended that the application be approved on the grounds that the proposed development would strengthen the single family character of the neighborhood. The Board so finds.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission made no recommendation on the application.

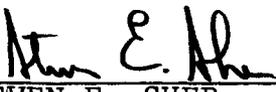
CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty that is inherent in the property itself. The Board concludes that, based on Findings No. 3 and 8 and that the improvements were constructed prior to the effective date of the current Zoning Regulations, the practical difficulty is inherent in the land. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that all landscaping shall conform to the plan approved by the Board and marked as Exhibit No. 27 of the record.

VOTE: 4-0 (Charles R. Norris, Connie Fortune, William F. McIntosh and Leonard L. McCants to grant, Walter B. Lewis not present, not voting).

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

ATTESTED BY

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 31 OCT 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.