

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13405, of Ruth S. and Samuel Williams, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square foot lot area requirements (Sub-section 3301.1) to use the basement, first and second floors of the subject premises as an apartment house consisting of three units in an R-4 District at the premises 629 - 7th Street, N.E., (Square 891, Lot 77).

HEARING DATE: January 28, 1981
DECISION DATE: March 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the east side of 7th Street between F and G Streets, N.E.
2. The subject lot is 16.67 feet wide and 115 feet deep. It has an area of 1,917.05 square feet.
3. The subject property is improved with a two story plus basement brick structure. The structure has been and is now used as a single family dwelling.
4. The applicants propose to convert the subject property to a three unit apartment house. There would be one apartment each on the basement, first and second floors. Each unit would have living room, kitchen, two bedrooms and a bathroom.
5. Sub-section 3301.1 requires a minimum lot area of 900 square feet for each apartment unit, or 2700 square feet for three units. The applicants request a variance of 782.95 square feet.
6. The applicants have lived in the house since 1946, and now owns the property with no existing mortgages. They propose to live in one unit, and rent the other two to help defray the cost of the loan necessary to do the renovation and conversion.
7. The applicants argued that the property is unusual in that the depth of the house exceeds what is typical in the neighborhood. An examination of the portion of the Baist Atlas showing this square, as submitted by the applicant, reflects that this dwelling extends to the same depth as many others on the east side of 7th Street.

8. The applicants further argued that conversion of the building to a flat, a use which is permitted as a matter-of-right, would create one unit of approximately 1,980 square feet, which would be exceptional for the neighborhood. The Board finds there are many dwelling units in the area, including existing single family dwellings, of that size.

9. Other property in the area has been renovated for use as flats or single family dwellings.

10. The applicants argued that the cost of renovation for the property make it economically infeasible to use it as a flat. The applicants submitted estimates based on their own personal finances to show that they would not be able to afford the renovation.

11. Advisory Neighborhood Commission - 6A took no position on the application.

12. The Public Interest Civic Association, by letter dated January 27, 1981 and by testimony at the hearing, opposed the application on the grounds that the area is already overcrowded, and that the conversion will result in the loss of housing suitable for a family with children and replace it with small units.

13. The Capitol Hill Restoration Society, by letter dated January 25, 1981, opposed the application. The Society noted that there are at least three houses in the same row of buildings that are as large as the subject property and which are used as either single family dwellings or flats. The Society argued that the applicant has not demonstrated that the structure is unusually large or that it is affected by unique circumstances peculiar to the subject property. The Board agrees.

14. Other opposition to the application from persons residing in the neighborhood was submitted by testimony at the hearing and letters in the record. The opposition argued that the density in the square was already high, that the variance sought was too great and that the normal R-4 standards should apply.

15. There were petitions submitted to the record both in favor of and opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the applicants have not made the required showing and met their burden of proof. The Board concludes that there is no exceptional or extraordinary condition or situation which affects this property. The Board concludes that the financial difficulties alleged by the applicant are personal and are not derived out of the property itself. The Board concludes that the strict application of the Regulations will not create a practical difficulty for the applicant. The Board concludes that the requested relief cannot 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 is DENIED.

VOTE: 4-0 (William F. McIntosh, Douglas J. Patton, Connie Fortune and Charles R. Norris to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

2 SEP 1981

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."