GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13417, of Howard L. Carter, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to permit a sub-division and conversion of two four unit apartment houses into two row and two semi-detached dwellings and variances from the floor area ratio requirements (Sub-section 3302.1) and the lot occupancy requirements (Sub-section 3303.1) in an R-5-A District at the premises 343, 343 1/2, 345 and 345 1/2 Parkland Place, S.E., (Square 5988, Lots 74 and 75).

HEARING DATE: February 11, 1981
DECISION DATE: March 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District on the south side of Parkland Place between Martin Luther King Jr. Avenue and Waclark Place, S.E.

2. The property consists of two adjacent lots, each of which is forty-two feet wide by eighty feet deep.

3. Each lot is improved with a brick, two story, four unit apartment house with a cellar extending under the rear half of each building. The two buildings share a common wall, and each has an eight foot wide side yard on the other side.

4. The applicant proposes to erect a division wall down the center of the two buildings, and convert them to four single family dwellings. The two interior buildings would be row dwellings, and the two buildings at either end would be semi-detached dwellings.

5. Each dwelling would be seventeen feet wide and forty feet deep. Each would have a living room, dining room, kitchen and bathroom on the first floor, and two bedrooms, a study and a bathroom on the second floor. Utilities and storage space would be in the cellar, which can be reached only from the exterior of the building at the rear.

6. The existing apartments have no off-street parking. No parking is required for the conversion to single family dwellings, and no parking is to be provided. There is a ten foot alley at the rear of the property, but access to the rear yard is precluded by a difference in elevation of approximately three feet. There is on-street parking available in front of the buildings.

7. The two interior lots will have areas of only 1360 square feet each. The existing building has a building area of 680 square feet, which results in a lot occupancy of fifty percent. Since the Zoning Regulations limit lot occupancy in an R-5-A District to forty percent, or 544 square feet for these lots, the applicant seeks a lot occupancy variance of 136 square feet.

8. The existing gross floor area to be included in each dwelling is 1,360 square feet. The maximum permitted floor area ratio is 0.9, or 1224 square feet of gross floor area for the two interior lots. The applicant thus also seeks a variance of 136 square feet from the gross floor area limitations.

9. There would be no extensions or additions to the existing building, and no significant changes to the exteriors.

10. The existing landscaping in the front and rear would be retained. The applicant proposes to erect a wood stockade fence around the rear yard of each unit.

11. On either side of the subject property, there are existing structures similar to those of the subject property. To the rear of the property across the alley, are semi detached houses which front on Raleigh Street. Across Parkland Place to the north is parkland which borders on Portland Street.

12. As required by Paragraph 3105.42, the application was referred to the Office of Planning and Development, the Board of Education and the Departments of Transportation and Housing and Community Development.

13. By memorandum dated December 31, 1981, the Superintendent of Schools reported that the proposed conversion to four single family buildings will have little impact on the Public Schools. Congress Heights Elementary, Hart Junior High and Ballou High Schools can accommodate children from the proposed conversion. The Board so finds.

14. There was no report received in the record from the Office of Planning and Development, the Department of Housing and Community Development or the Department of Transportation.

15. Because of the reduction in the total number of dwelling units, there will be no negative impact on the ability of public facilities to serve the proposed conversion.

16. The Acting Chairperson of Advisory Neighborhood Commission 8A submitted a letter for the record in support of the application.

17. There was no 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 applicant is seeking a special exception and two variances. In order to be granted the requested exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 3105.47 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. There are adequate public facilities to serve the proposed conversion. The site plan and layout of the conversion is appropriate. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps.

As to the variances, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition or situation of the property which creates a practical difficulty for the owner. The Board concludes that the configuration of the existing structures is such a situation. The strict application of the Regulations will create a practical difficulty for the owner, by preventing the rehabilitation and conversion of the buildings. The Board concludes that the requested relief can be granted without detiment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations.

It is therefore hereby ORDERED that the application is APPROVED SUBJECT to the development being constructed in accordance with the REVISED PLANS MARKED AS EXHIBIT No.22 of the record.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Connie Fortune and Walter B. Lewis to GRANT; Charles R. Norris to GRANT by PROXY).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 MAY 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."

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.