

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13420 of Stable Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against using a building located on an alley lot as an apartment house of four units (Sub-section 7606.1) and to permit an addition of a loft to the existing building, a structure devoted to a non-conforming use (Sub-section 7107.1) or in the alternative pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 7104.2 for a change of non-conforming use from designs of neon or gas tubing display on buildings to an apartment house of four units and for a variance to permit an addition to a non-conforming structure (Sub-section 7107.2) in an R-4 District at the rear of premises 424 - 4th Street, N.E., (Square 780, Lot 810).

HEARING DATE: May 20, 1981
DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. The subject property is located in the center of Square 780 on an alley lot, in an R-4 zone District at premises known as rear of 424 - 4th Street, N.E.
2. The subject square is bounded by E Street on the north, 3rd Street on the east, 4th Street on the west, and D Street on the south.
3. The square is developed with row dwellings on its street frontage. There is a small grocery store located on the square at the intersection of 4th and D Streets. There are several alleyways which bisect the square.
4. There are four alley lots in this square. The subject lot is developed with a three story red brick stable, built in the 1890's to house the horses of the U.S. Senate. The stable occupies all of the lot area and resembles a barn or warehouse. One of the other alley lots also contains a former stable. The two remaining alley lots in the square are unimproved and used for automobile parking.

5. The site has a history of use for non-conforming purposes. According to records in the Central Permits Branch, DHCD, Certificate of Occupancy No. B-80073 was issued September 1, 1972 to World Art Product, Inc., for designing of neon or gas tubing display on buildings.

6. Section 7606 states that except for use as a one-family dwelling, a structure shall not be erected, constructed, converted, altered, remodeled, restored, or repaired for human habitation on an alley lot. This section further states that a one-family dwelling shall not be erected or constructed on an alley lot unless the alley lot abuts an alley thirty feet or more in width, and has from such alley, access to a street through an alley or alleys not less than thirty feet in width.

7. Sub-section 7104.2 states that a Class II nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted.

8. There are no alley dwellings in Square 780. Several alley rights of way traverse the square. A ten-foot-wide alley runs north through to E Street. A fifteen-foot-wide alley bisects the square east/west through to 3rd Street and 4th Street. A second east/west alley ten feet wide leads out to 3rd Street. There are thirty and twenty-foot wide alleys abutting the subject site. The substantial width of these alleys creates an open, well-ventilated and naturally lighted setting for the lot.

9. The building will be renovated to include the retention of the exterior fenestration. The premises will be divided into four two-story and loft single-family living units, each containing a one-car garage, 2½ baths, living room, dining room, kitchen and three bedrooms. These units consists of approximately 2,520 square feet of gross floor area. These units contain a loft level.

10. The location of the units within the Stanton Park neighborhood is convenient to the Capitol complex to the west, the Metro rail at Union Station to the northwest and to the south, bus routes and neighborhood serving retail shopping, restaurants and grocery stores on Massachusetts Avenue in the C-2-A District.

11. The proposed use will be a neighborhood facility in that the four condominium units will provide ownership housing in the area. The nonconforming use would terminate and the new use would be a conforming use in accordance with the Zoning Regulations.

12. The proposed use is similar to other uses in the immediate area in that residences will be provided. Flats and apartments are located in the neighborhood. Additionally, the arrangement, design and architectural features of the proposed structure will be greatly enhanced by the relief sought from the Board.

13. The applicant proposes to provide four parking spaces to be located on the interior of the building. This allows for one parking space for each condominium unit. This will result in no adverse traffic conditions from the renovation of the units.

14. The applicant proposes to lay a floor in the existing loft area to enable that space to be used by the occupants of the building as living space. Although this constitutes an enlargement of or addition to the building, this change is not noticeable from the exterior of the site.

15. The strict application of the Zoning Regulations allows use of the site as a single family residence only. The excessive size of the building, the interior layout of the structure, and the lack of any yard area, combine to make it impossible to use the building for this purpose.

16. The subject structure is of sufficiently large dimensions that multiple dwelling units can easily be accommodated within it. This easily meets the concerns of Sub-section 7606.1 relating to limited light, ventilation and undue congestion in alley lots.

17. Without the requested variance, it is practically difficult to convert the building to multi-family use and allow each unit the desired amount of living space. The loft area proposed to be utilized is existing space which, without the variance relief requested, would simply be left vacant.

18. The extraordinary or exceptional situation or condition affecting the subject site stems from the location of the property in an historic district, the fact that there is an existing building on the lot which occupies 100 percent of the lot, and the fact that the lot is an alley lot. In addition, the property is of an exceptional nature in that the last recorded use is a nonconforming C-M-1 use for a shop for molding statues.

19. The Stanton Park Neighborhood Association, by letter dated May 15, 1981, supported the application on the grounds that the proposed development would benefit the neighborhood by converting two old and historic buildings. The Association felt that four units

is a reasonable density for the site, as parking is to be provided on site. The Board agrees.

20. By report filed May 19, 1981 and by testimony presented at the public hearing, the Office of Planning and Development recommended that the application be approved. The OPD was of the view that the relief requested will not have an adverse effect on the surrounding residential properties in terms of noise, traffic, odor or any other objectionable impact and that the residential usage of this large lot and large structure is most compatible from a land use stand point with the surrounding properties. The Board so finds.

21. Advisory Neighborhood Commission 6A, by letter dated May 13, 1981, offered support of the application.

22. The Capitol Hill Restoration Society, by letter dated February 9, 1981, offered support of the application on the grounds that the proposed development is compatible with the R-4 zone district in which it is located, since more than 900 square feet of lot area will be provided for each unit. The Society felt that the conversion would be beneficial to the character and well-being of the neighborhood, since the applicant is proposing to provide four off-street parking spaces and not aggravate the parking problem. The Board so finds.

23. There were several surrounding residents in support of the application.

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

CONCLUSIONS OF LAW AND OPINION:

Based upon the above Findings of Fact and evidence of record, the Board is of the opinion that although the applicant has made the required showing for a use variance, the applicant is more appropriately seeking a special exception for a change of non-conforming use. The Board concludes that the establishment of the proposed change in nonconforming use will not create dangerous and otherwise objectionable traffic conditions, that the proposed use will be a neighborhood facility and that the use will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the present character and future development of the neighborhood. The Board concludes that ingress and egress are adequate for the proposed use and the location of on-site parking spaces for each unit ensures adequate parking. In addition, access to the property is adequate to ensure fire safety.

The requested variance relief to permit the addition of the loft is an area variance, the granting of which requires a showing of practical difficulties. The Board concludes that the location of the lot and the size of the existing building constitute a practical difficulty for the owner. The Board further concludes that the variance requested is minor in nature and is not a major departure from the character of the district. The Board is of the opinion that it has given great weight to the issues and concerns of the ANC.

The applicant has cooperated with the neighborhood resulting in a plan the neighborhood can accept. The Board further concludes that the application can be granted without substantially impairing the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Douglas J. Patton, William F. McIntosh and Connie Fortune 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: 3 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."

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.