

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13441, of Raymond L. Rogers, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances to permit a subdivision and conversion of an existing apartment house into two single family dwellings (Sub-section 1302.2), the open court requirements (Sub-section 3306.1), percentage of lot occupancy requirements (Sub-section 3303.1) and the lot area requirements (Sub-section 3301.1) in an R-4 District at the premises 4210 - 4th Street, N.W., (Square 3243, Lot 813).

HEARING DATES: February 18 and March 4, 1981
DECISION DATE: April 1, 1981

FINDINGS OF FACT:

1. The subject application was first scheduled for the public hearing of February 18, 1981. Due to the length of time consumed in hearing the earlier applications on the agenda of February 18, 1981, the application was continued to March 4, 1981.
2. The subject site is located on the west side of 4th Street between Varnum and Upshur Streets, N.W. and is known as premises 4210 - 4th Street, N.W. It is in an R-4 District.
3. The subject site is 87.70 feet deep. Its street frontage is 42.0 feet. The width at the rear measures 40.0 feet. The rear of the northern section of the structure measures 22.5 feet. The rear of the southern portion measures 17.5 feet. An eight inch masonry wall runs through the center of the buildings. It appears at one time that the existing structure was two separate buildings. A party wall on line will create a court width of five feet on the northern building and a 1.5 foot court on the southern building.
4. The site is improved with a two story brick detached apartment house of four units. The units are unoccupied.
5. The applicant proposes to convert the structure into two single family dwellings. The proposed north building will require an area variance of 1,053.06 feet, a lot occupancy variance of 269.06 square feet and an open court width variance of 4.5 feet. The proposed south building will require an area variance of 153.54 square feet and an open court width variance of one foot.

6. The common entrance to the structure will become the entrance to the northern building. A new entrance will be constructed for the entrance to the southern building. The party wall will remain intact. There will be no further structural changes. Each unit will contain three bedrooms and den, a family room, dining and living room. Each unit will have its individual heating system.

7. There was no opposition to the application.

8. Advisory Neighborhood Commission - 4D made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

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 the practical difficulty exists. The present structure appears to have been two separate structures. The lot widths of the northern and southern sections are not uniform. The extensions into the rear yard are not uniform. The existing masonry wall running through the center of the structure is to be retained and the conversions built around it. The structure is to be preserved with few structural changes. The Board is also not unaware that a vacant property will be restored to the housing market and the D.C. Tax rolls. There was no opposition to the application. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Walter B. Lewis and Connie Fortune to GRANT; Douglas J. Patton to GRANT by PROXY, Charles R. Norris 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: 26 MAY 1981

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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.