

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13462 of Linda K. and James J. Lyons, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area requirements (Sub-section 3301.1), the number of stories requirements (Sub-section 3201.1), and the lot occupancy requirements (Sub-section 3303.1) for a proposed construction of a row dwelling in an R-4 District at the premises 804 D Street, S.E., (Square 924, Lot 803).

HEARING DATE: April 15, 1981

DECISION DATE: April 15, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of D Street between 8th Street to the west and 7th Street to the east. It is in an R-4 zone District at premises known as 804 D Street, S.E.
2. The property is rectangular in shape and consists of 1,650 square feet of land area.
3. The site is presently developed with a two-car garage and driveway with access from D Street. The property is landlocked, with no alley access to the rear of the lot.
4. The applicant's amended plans provide for the construction of a three story row dwelling to be used as a single family residence.
5. The property is surrounded on the north by the rear yards of row dwellings which front on 8th Street, on the east by a three story with english basement row dwelling that abuts the proposed structure, on the south across D Street and Pennsylvania Avenue by the William E. Miller Furniture Store located in the C-2-A District, and to the west abutting the site by two three story row dwellings in the R-4 District built in the 1960's.
6. D Street at this location, is one way west bound, with parking permitted on both sides. In the subject square along D Street to the east are row dwellings built in the early 1900's with a height exceeding the current forty foot maximum.
7. Pursuant to Sub-section 3301.1 of the Zoning Regulations, a minimum lot area of 1,800 square feet is required. The subject lot is only 1,650 square feet. Thus a variance of 150 square feet or 8.33 percent is required.

8. Sub-section 3303.1 allows a maximum lot occupancy of sixty percent, which in this case is 990 square feet. The applicant's proposed structure occupies 1,100 square feet. Thus a variance of 11.1 percent or 110 square feet is required.

9. The applicant meets the requirements of the R-4 zone with respect to lot width, rear yard, open court, number of stories and the required off-street parking space.

10. The applicant testified that preliminary plans for the proposed structure had previously been filed with the Joint Committee on Landmarks.

11. The proposed structure includes a kitchen, dining room and garage at the entry or first floor level, a living room/entertaining combination and study on the second floor, and two bedrooms and sauna on the third floor. The applicant also plans to develop the roof of the structure with an open deck.

12. Advisory Neighborhood Commission 6B by report dated April 15, 1981, supported the variance from the lot area, but took no position on the variance from the lot occupancy. The Commission noted however, that there was only support and no opposition to the project.

13. The Capitol Hill Restoration Society, by Resolution of April 8, 1981, supported the request for variance from the lot area requirements, but took no position on the lot occupancy requirements. The Society, as well, noted no opposition to the proposed development.

14. The applicant testified that the lot was a record lot prior to the 1958 adoption of the Zoning Regulations. The applicant's structure as revised complies with the maximum three story allowance of the R-4 zone and requires no variance in that regard.

15. The Office of Planning and Development by report filed as Exhibit No. 13 of the record, and testimony at the public hearing offered support of the application on the grounds that given the existence of the lot prior to the adoption of the Zoning Regulations in 1958, the applicant is faced with a practical difficulty which restricts development of the property. The lack of alley access and restriction from front yard parking requirements necessitated the inclusion of a garage on the first floor, substantially reducing the livable space in the dwelling. This necessitates over occupancy of an already substandard lot. The OPD found that this minimal variance from lot occupancy will not adversely affect the adjoining properties. The Board concurs.

16. There were several letters of support from adjoining property owners.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing finding of fact and the evidence of record, the Board concludes the requested variances are variances, the granting of which requires the showing of a practical difficulty upon the owner, that is inherent in the property itself, that would prohibit development of the property in strict compliance with the Zoning Regulations. The Board concludes that the applicant has made the required showing. The lot existed as a record lot prior to the 1958 Zoning Regulations. No reasonable use can be made of the property without at least a variance from the minimum lot area requirements. As to the variance from lot occupancy, the Board concludes that given the inaccessibility to the rear of the site, necessitating the applicant's inclusion of a garage inside the first floor level of the unit, as well as the restriction of three stories in height, the only alternative to the applicant was to increase the size of the structure to obtain adequate livable space. The Board further, is of the opinion that the requested variances will not adversely affect the use of adjoining properties, nor be inconsistent with the intent and spirit of the R-4 zone. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris, and Connie Fortune to grant, John G. Parsons and Douglas J. Patton not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

9 JUN 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.