

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13477 of Alex Marcotte, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7202.1) to permit the conversion of a carriage house to a single family dwelling in an R-4 District at the premises rear 1121 D Street, S.E., (Square 992, Lot 26).

Application No. 13478 of Alex Marcotte, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a structure which will be used as a dwelling on an alley lot when such lot does not have a thirty foot alley which leads to a street (Sub-section 7606.2) and from the off-street parking requirements (Sub-section 7202.1) to permit the conversion of a garage to a single family dwelling and the addition of a second floor in an R-4 District at the premises rear 1113 D Street, S.E., (Square 992, Lot 25).

HEARING DATE: April 22, 1981
DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-4 zone District, near the center of Square 992 on alley lots at the rear of 1121 and 1113 D Street, S.E.

2. Applicant's properties abut an alley thirty feet in width which includes a hammerhead portion approximately eight feet in width on the west frontage of Lot 26 and the northwest frontage of Lot 25. The alley on the southern frontage of Lot 25 runs east-west and only at that junction narrows to fifteen feet for a distance of approximately 117 feet before it terminates at 11th and 12th Streets, S.E.

3. Lot 26 is 570 square feet in area and is entirely occupied by a two-story structure originally used as a carriage house. Lot 25 is 2,018.75 square feet in area and is improved with a one-story garage approximately twenty feet by forty-two feet in size. Both buildings are boarded and uninhabited.

4. In BZA Application No. 12801, the prior owner of the subject site secured approval from the Board to convert the structures to art gallery use, but was unable to find a tenant for the use and the approval lapsed.

5. The applicant proposes to renovate the structure on Lot 26 for use as a residence and to construct a similar structure on Lot 25, utilizing existing walls to the extent possible, and setting the structure back nine feet from the alley to the east of the subject site.

6. Lots 26 and 25 are of a unique size, location and configuration. They are the only lots within Square 992 completely surrounded by alleys. Lot 26 is relatively small and is the only lot in the square which is entirely occupied by a structure. Lot 25, on the other hand, contains over 2,000 square feet, well above the 1800 square foot minimum required in the R-4 District, and is improved with a substantial garage structure.

7. The applicant amended his variance request at the public hearing consistent with the Office of Planning and Development report regarding the provision of parking spaces. Variances for parking are required as follows: (a) parking in the front yard of a dwelling, Sub-section 7205.1; (b) size of parking space, Sub-section 7204.1; (c) location of a parking space within ten feet of a wall containing openings for light and ventilation, Sub-section 7205.2; and (d) for Lot 26, a variance from the provision of Sub-section 7205.3 requiring parking for a one family dwelling to be located on the same lot as the structure to be served.

8. If the applicant were required to provide a parking space on Lot 26, the first floor area would be reduced to 399 square feet, which is too small to provide a reasonably sized first floor living area.

9. Lot 25 is of sufficient size to locate the required parking spaces for both Lots 25 and 26 in the yard to the northwest of the proposed structure, directly west of a patio area which provides an amenity to the owner of Lot 26. Other than this location there is no other area where the parking spaces may be located on the site as a matter of right. In Application No. 12801, the Board specifically found as to Lot 25 that the building on that lot is not suitable for use as a garage and has not been used as such since 1968. While the parking spaces as proposed on Lot 25 are nineteen feet long, space limitations on this lot will only allow parking spaces of eight feet in width.

10. The proposed structure on Lot 25 will occupy 570 square feet, which is substantially less than the maximum forty percent lot occupancy allowed under the Zoning Regulations.

11. Lot 25 does not have through alleys measuring a minimum of thirty feet in width to the street. Therefore, the property cannot be used for single-family residential purposes consistent with the surrounding character of the area without the granting of relief from this Board.

12. The proposed establishment of single-family residential use on Lot 25 is completely consistent with the residential nature of the area. Lot 25 will have a substantial open patio area serving it and is further surrounded by alleyways giving substantial light, air, ventilation and open space to the inhabitants of the structure.

13. At the request of the Board the applicant submitted amended plans under cover of letter dated April 29, 1981, to insure sufficient light and ventilation to the area, and met with neighboring property owners to review those plans.

14. The subject site is located within the boundaries of the Capitol Hill Historic District which is listed in the National Register of Historic Places, and is a Category II landmark designated by the Joint Committee on Landmarks. The applicant testified that conceptual design approval has been obtained from the Joint Committee to assure that the renovation is done in a manner which contributes to the historic character of the Historic District.

15. The Office of Planning and Development supported the application on the grounds that the variance relief sought will not adversely impact the neighboring property owners. The proposed alley dwellings are located with frontage on a thirty foot wide alley which has several tributary alleys connecting with it that lead out to the streets surrounding the square. The site is in turn readily accessible and, because of the large expanse of alley right of way and the distance of the proposed structures from surrounding taller row dwellings, is open to sunlight and ventilation. The OPD found justification for the requested parking variance as shown on Exhibit No. 29 of the record based on a showing of practical difficulty as defined by Paragraph 8207.11 of the Zoning Regulations. The OPD did not believe that the grant of the related parking will impair the intent of the Zoning Regulations, but will rather give a solution to the need of a necessary amenity in a Capitol Hill neighborhood where parking spaces are at a premium. The spaces proposed, if conditioned for pull-in parking only, will decrease the chances of any detrimental impacts on the dwellings due to exhaust emissions. Although located in the front yard, the spaces would not face the dwellings but would be to the side of the dwellings. The six inch variance from the parking space width requirements is not substantial and may encourage the use of compact cars at this location. The location of the space for Lot 26 and 25 could be worked out with a perpetual easement. The Board so finds.

16. Advisory Neighborhood Commission 6B by report dated April 20, 1981, as well as several neighbors, opposed the application on the grounds that the proposed development would result in the loss of sunlight, would cause congestion resulting from the parking, and would violate a general policy opposed to alley dwellings.

17. The Board finds that the applicant's revised site plan addresses the light and ventilation issue raised by ANC 6B and neighbors and that the amendment of the applicant's plan to provide one parking space for each dwelling addresses the parking issue raised.

18. The Capitol Hill Restoration Society by report dated April 22, 1981, as well as several adjoining property owners, expressed support of the application on the grounds that the existing alley cannot be widened, and that no detriment to the public good would

result from the proposed development. The proposal would rather make a positive contribution to the alley by removing the blighting influences caused by the existing vacant, unused structures. The Board so finds.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing findings of fact and the evidence of record, the Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of a practical difficulty inherent in the property itself which would prohibit the owner's use of such property in strict compliance with the Zoning Regulations and Map. The Board concludes that the unique size, location and configuration of these two adjoining lots, their location in the Capitol Hill Historic District, as well as the existing garage structures erected upon them constitutes an exceptional condition for the purposes of variance relief.

The Board concludes that because Lot 26 is presently entirely occupied by a structure, resulting in inability to provide a parking space on that lot, and because Lot 25 is presently also owned by the applicant and provides the only feasible parking area for both lots in the front yard of the proposed structure on Lot 25, the applicant has demonstrated that practical difficulties would result upon strict application of the Zoning Regulations. In addition, a practical difficulty would result in that the subject site, although located on an alley thirty feet wide, has access to the street through alleys less than thirty feet wide. Strict application of the regulations would prevent a rehabilitation project which is making a substantial contribution to the interior of the square, and would preclude residential use of these lots in a residential area where dwellings are in great demand.

The Board concludes that the requested variance relief can 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 Map. The required parking spaces can be furnished without substantially impacting the neighborhood, and will serve the future residents of the site with a needed amenity in an area where parking spaces are at a premium. Further, the reconstruction of the building on Lot 25 into a modern single family dwelling would be compatible with the character of the neighborhood and would not adversely affect the area. Accordingly, it is ORDERED that this application is hereby GRANTED in accordance with the revised plans marked as Exhibit No. 29 of the record.

VOTE: 4-0 (William F. McIntosh, Douglas J. Patton and Connie Fortune to grant; John G. Parsons 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
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 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.