

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13568, of Paul Gayet, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square foot minimum lot area requirements (Sub-section 3301.1) to use the basement, first, second and third floors of the subject premises as an apartment house of three units in an R-4 District at the premises 1327 - 10th Street, N.W., (Square 367, Lot 73).

HEARING DATE: September 30, 1981
DECISION DATE: October 7, 1981

FINDINGS OF FACT:

1. The subject site is located on the east side of 10th Street between N and O Streets and is known as premises 1327 10th Street, N. W. It is in an R-4 District. To the immediate south of the site is a parking lot.

2. The subject site is 2,079.20 square feet in area. It is basically rectangular in shape. The site is improved with a three story plus basement brick structure which was constructed prior to May 12, 1958. The structure is now vacant.

3. A Certificate of Occupancy, No. 121036, was issued on June 19, 1943, for the use of the subject structure as a rooming house, less than five persons, all floors.

4. The applicant proposes to use the basement, first, second and third floors of the subject property as an apartment house consisting of three units.

5. Pursuant to the Zoning Regulations, a conversion of a building constructed prior to May 12, 1958, to an apartment house containing three or more units requires 900 square feet of lot area for each unit within the building. The applicant requests a variance of 620.80 square feet.

6. The Board, in BZA Order No. 13288, dated December 22, 1980, denied the subject applicant the use of the subject premises for four units since the grounds for the subject area variance was a financial difficulty, not a practical difficulty inherent in the property. The Board further concluded that a variance of 1,520.80 square feet was too great.

7. The subject property is located in the Shaw Neighborhood. The area surrounding the site is characterized by apartment houses, row dwellings and several churches in the R-4 District. The site abuts a parking lot on its south side. Although there are many buildings within the immediate vicinity of the site which could be described as derelict in their state of repair, there are signs of rehabilitation of structures occurring in the neighborhood.

8. The applicant proposes a one bedroom unit comprising 875 square feet for the basement unit, a one bedroom unit of 975 square feet for the first floor and a two bedroom unit with two baths for the second and third floors containing 1575 square feet. All units will have fireplaces. The basement and first floor units have access to a patio. The top unit will have a roof deck. All the living room areas face toward the street with the bedroom areas to the rear.

9. The structure is substantial in size, having a gross floor area of approximately 3425 square feet. The structure occupies less than forty percent of the lot as required, and there is room at rear of the site to park one automobile, as required by the Regulations.

10. The Office of Planning and Development by report dated September 23, 1981, recommended that the application be approved. In its report the OPD stated that it was of the opinion that there is practical difficulty inherent in the substantial size of the subject structure. The gross floor area of the structure is disproportionately large in comparison to the lot, although the building's foot print is in compliance with the lot occupancy requirement for the R-4 District. The OPD was of the view that the interior size of the proposed units will not be impaired substantially by the lack of lot area. Each of the units are generously designed in terms of square footage, utilities and fixtures. The units contain the code required exterior windows for natural light and air. In conclusion, OPD recommended that this application be approved subject to the applicant's submission of a detailed landscape plan showing how the exterior lot area will be treated. The Board concurs in the findings of the OPD report.

11. A property owner in the immediate area testified in favor of the application on the grounds that the proposed three units would not overcrowd the neighborhood or cause any traffic problem. The Board agrees.

12. There was no opposition to the application.

13. Advisory Neighborhood Commission 2-C made no recommendation on the application.

CONCLUSION OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking an area variance, the granting of which requires proof of a practical difficulty inherent in the property itself. Based on Findings Nos. 2 and 10 the Board concludes that the practical difficulty exists. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Connie Fortune to grant, Douglas J. Patton not voting, having recused himself).

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

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

FINAL DATE OF ORDER: 21 DEC 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 MONTH 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.