

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13619 of Jonathan E. Sanford and Carol O. Sanford, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing a subdivision which will cause existing garage structures on the lot to exceed the lot occupancy requirements (Sub-section 1302.2 and Paragraph 7401.12) and for a variance from the minimum lot area requirements (Sub-section 3301.1) to permit the subdivision of an alley lot in an R-4 District at the premises rear 629-635 - 11th Street, N. E., (Square 983, Lot 854).

HEARING DATE: December 9, 1981

DECISION DATE: December 9, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the east side of 11th Street between F and G Streets, N. E.

2. The property at issue consists of lot 854, which is a rectangular shaped alley lot having a north-south dimension of fifty-two feet and an east-west dimension of 61.71 feet. The lot abuts a sixteen foot wide public alley on the east and a thirty foot wide public alley to the south. On the west, the lot abuts five rowhouse lots, numbered 24, 25, 26, 27 and 28 which front on 11th Street and are known as 627, 629, 631, 633 and 635 11th Street, N.E. On the north, the subject lot abuts lot 807, which is improved with a rowhouse known as 637 11th Street, N. E.

3. Lot 807 is fifteen feet wide and 122.67 feet deep. Lot 24 is fourteen feet wide and sixty-three feet deep. Lots 25, 26, 27 and 28 are each twelve feet wide and sixty-three feet deep.

4. The applicants own and reside in the property known as 637 11th Street, Lot 807. Lots 24 through 28 are owned by other parties.

5. The subject property is developed with seven, metal, single-car garages which front on the alley on the south side of the property. The subject property is also improved with two, frame two-car garages which are reached from the alley on the east side of the property. There is a

3.5 foot walkway along the west side of the subject lot between the two frame garages and the west lot line.

6. The applicants propose to demolish the two existing frame garages. The applicants further propose to subdivide lot 854 and sell portions of the lot to the owners of lots 25, 26, 27, and 28 to add to the areas of those lots.

7. The area to be removed from existing lot 854 is approximately 734 square feet. As a result of the proposed subdivision, lot 854 would remain with only 2,475.12 square feet. The R-4 District requires a minimum lot area of 4,000 square feet for lots wherein the principal use is for garages. The applicants therefore requires a variance of 1,524.88 square feet.

8. The seven metal garages which will remain occupy an area of 1,038.60 square feet. In relation to the existing lot area, that is a lot occupancy of approximately thirty-two percent. When the area of the lot is reduced by the proposed subdivision, the maximum allowable building area is 990.05 square feet. The garages would occupy 48.55 square feet more than is permitted, and a variance is thus required.

9. Lots 25, 26, 27 and 28 now have an area of only 982 square feet each, below the normal minimum area of a rowhouse of 1,800 square feet.

10. Lots 27 and 28 would each be increased by 241 square feet, to have an area of 1123.2 square feet. Lot 26 would be increased by 208 feet, for a total area of 1090 square feet. Lot 25 would be increased by forty-two square feet, for a total area of 924 square feet.

11. At the public hearing, the application was amended to add a rectangular area, measuring four feet in the north-south direction and 3.5 feet in the east-west direction, located at the southwest corner of lot 854 to the area to be sold to the owner of the lot 25. This reduces the area remaining for lot 854 by fourteen additional square feet and changes the lot occupancy variance accordingly.

12. The applicants further propose to create by easement a new walkway across the rear of the expanded lots 26, 27 and 28 and through one of the garages out to the thirty foot east-west alley.

13. The proposed subdivision could be accomplished without requiring a variance of the remaining portion of lot 854 were combined with the existing lot 807.

14. The applicants do not propose to add lot 854 to lot 807 for two reasons. First, lot 854 would continue to contain six commercially rented garages, which would not appropriately be part of a single family residential lot. Second, the resulting combined lot would be extremely large, over 4,300 square feet, and would be of a very unusual shape. Both the size and shape would hinder its future use and sale as a single family dwelling.

15. The Office of Planning and Development, by memorandum dated December 4, 1981 and by testimony at the public hearing, recommended that the application be approved. The OPD reported that the subdivision of land proposed in the application could be accomplished as of right were there no existing garages. In the judgment of OPD, the existence of these garages constitutes a practical difficulty that is inherent in the property itself. Their existence prevents any alteration to the configuration of this alley lot. The proposed subdivision would result in reduced density of structures, safer access, and greater open space for four row dwellings, without jeopardizing subsequent development of the interior of Square 983. The Office of Planning and Development further determined that the proposed subdivision would have no adverse area impacts and would not impair the intent, purpose, and integrity of the zone plan. The Board concurs with the findings and recommendations of the OPD.

16. Advisory Neighborhood Commission 6A, by letter dated December 7, 1981, reported that it had voted unanimously in favor of the application.

17. There were several letters and a petition in support of the application from owners of adjoining and surrounding property.

18. The Capitol Hill Restoration Society, by statement dated December 9, 1981, took no position on the application.

19. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the existence of the garages and the size and shape of the property as it now exists and as it would exist if no variances were granted constitute an exceptional situation. The Board concludes that strict application of the Regulations would cause a practical difficulty for the owners, by precluding a subdivision that

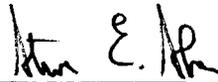
would allow for a reasonable disposition of the alley lot and would increase the area of four non-conforming rowhouse lots.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested 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 maps. It is therefore ORDERED that the application is GRANTED, as amended to include as part of the expanded lot 25 the rectangular area measuring four feet in the north-south direction and 3.5 feet in the east-west direction at the southwest corner of existing lot 854.

VOTE:5-0 (Lindsley Williams, Douglas J. Patton, Charles R. Norris, Connie Fortune and William F. McIntosh to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

MAR 17 1982

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.