GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13636, of the Ruppert Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against sub-dividing a lot such that a lot improved with an existing structure does not meet the lot area and width requirements (Sub-sections 1302.1 and 1303.1) to permit a proposed subdivision and construction of a new row dwelling at the premises 1913 12th Street, N.W. and the resub-division of the existing premises 1915 12th Street, N.W., in an R-4 District (Square 305, Lots 6 and 7).

HEARING DATE: January 13, 1982
DECISION DATE: February 3, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the east side of 12th Street between T and U Streets, N.W.

2. The subject property consists of two adjoining lots, 6 and 7. Each lot is 21.5 feet wide and ninety-three feet deep. Each lot presently contains 1,999 square feet.

3. The northern lot, Lot 7, is improved with a two story brick and stone faced semi-detached dwelling, known as 1915 12th Street, N.W. The dwelling is 15.76 feet wide, and has a 5.74 foot wide side yard on its south side. As a lot containing a semi-detached dwelling, it is non-conforming as to the minimum lot width and lot area.

4. The southern lot, Lot 6, is presently vacant. It was formerly improved with a one story garage, which extended for the full width of the lot and also completely encroached onto the 5.76 foot side yard of lot 7 to the north. The garage shared a common wall with 1915 12th Street to the north.

5. The applicant has renovated 1915 12th Street and is using that property as a single family dwelling.

6. The applicant proposes to resubdivide the property, and construct a new row dwelling on lot 6 and the vacant portion of lot 7. The proposed new subdivision is shown on the plat marked as Exhibit No. 9 of the record. Lot 6 would be reduced in size such that it would be 15.76 feet wide at the front and 17.38 feet wide at the rear, and would have an area of 1,540 square feet.

Lot 7 would be increased by the area taken out of lot 7, such that it would be 27.24 feet wide at the front and 25.62 feet wide at the rear, with an area of 2,458 square feet.

7. The remainder of lot 6 would be occupied by a dwelling considered a row dwelling, rather than a semi-detached dwelling which it is at present. This new proposed lot would have an average width of 16.56 feet, as compared to the normal minimum lot width of eighteen feet. A variance of 1.44 feet is thus required. The new proposed lot would have an area of 1,540 square feet. Since the required minimum lot area is 1,800 square feet, a variance of 260 feet is required.

8. The proposed expanded lot 7 would meet all the requirements of the Regulations and would require no variances for the construction of a row dwelling.

9. The existing lot 7 meets the minimum width requirements, but is one square foot less than the minimum area requirement. A variance of the one square foot would be required to construct a row dwelling at present.

10. The existing properties on both sides of 12th Street are developed with row dwellings of various architectural styles. If the variances were denied, the requirement to retain the 5.76 foot open strip on lot 6 would be out of character with the rest of the block.

11. By virtue of the encroachment of the garage, the house at 1915 12th Street functioned as a row dwelling. It existed as a semi-detached dwelling only since the garage was demolished.

12. Approval of the application would allow the lot to be subdivided in a way that reflects the historical use of and construction on those lots.

13. The applicant has renovated and developed other row housing in the block.

14. The owner of the adjoining properties to the north submitted a letter to the record in support of the application.

15. There was no report from Advisory Neighborhood Commission 1B.

16. There was no opposition to the application at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, 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 historical nature of the use of and construction on the two subject lots, and the existing non-conformity in terms of lot area are exceptional conditions of the property. The Board concludes that denial of the application would cause a practical difficulty in that lot 7 could not be built upon because it lacks the required minimum area by one square foot. The Board further concludes that the proposed subdivision would be consistent with the predominant character of row dwellings in the area. The proposed new row dwelling is appropriate for this block. 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.

VOTE: 3-2 (John G. Parsons, Douglas J. Patton and Charles R. Norris to GRANT; Connie Fortune and William F. McIntosh OPPOSED).

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

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

FINAL DATE OF ORDER: APR 14 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.