

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13713 of Alfred and Jean Friendly, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1) and the side yard requirements (Sub-section 3305.1) for a proposed hypothetical subdivision of Lot 817 for the purpose of using the accessory building as a principal use (dwelling) in an R-1-B District at the premises 1645 - 31st Street, N.W., (Square 1282, Lot 817).

HEARING DATE: March 24, 1982  
DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 31st Street and Avon Lane, N.W. It is known as premises 1645 - 31st Street, N.W. and is in an R-1-B District.
2. The total area of the property is 31,553 square feet. The minimum lot size in an R-1-B District is 5,000 square feet.
3. The property is developed with a two and one-half story house facing 31st Street and also a structure that had been constructed as a carriage house and stables which has since been converted to a residence for household employees. A two car garage is attached to this carriage house structure.
4. The property is located in the Georgetown Historic District. The property is designated as a Category III landmark which contributes to the cultural heritage and visual beauty and interest of the District of Columbia and which should be preserved, if practicable.
5. In 1978, the applicants sought and received permission from the Zoning Administrator to convert the carriage house structure into a residence for their household employees. Permission was granted on the condition that the structure be used only for that purpose and that no other residential or commercial use be made.
6. The applicants are now seeking authorization to use the converted carriage house structure as a separate residential rental property. Although the applicants do not

forsee actually renting out the carriage house structure during their lifetimes, they are seeking this authority at this time to assure that their children or some other future owner of the property will have an additional source of income with which to maintain and preserve the property in its present state.

7. The applicants are seeking this authority in connection with their plan to give a scenic easement for preserving the property in its present condition and preventing further development of the property. Such an easement, given to a private preservation foundation, would require the present and future owner of the property to maintain it in its present condition and would prevent any further development. An example of such an easement is included in the materials prepared by the National Trust for Historic Preservation that was offered into evidence by the applicants and received as Exhibit No. 26. The applicants state that it is their intention to give an easement that is substantially in the form of the example contained in Exhibit No. 26.

8. The carriage house structure is classified at present as an accessory building. To be a property that may be rented out to a family unit, the carriage house must be classified as a principal building. The carriage house structure is a non-conforming building that was built prior to the effective date of the Zoning Regulations. To be converted to a principal building, the carriage house structure must be brought into compliance with the Zoning Regulations.

9. The carriage house structure sits in a corner of the lot and therefore is in violation of both the side yard and rear yard requirements. To be brought into compliance with the Zoning Regulations, a 100 percent variance from each requirement is required.

10. The total lot area of 31,553 square feet is proposed to be theoretically subdivided into two lots comprising 19,807 and 12,073 square feet, respectively. The large lot would contain the main house, 1645 - 31st Street and the smaller lot would contain the carriage house structure now proposed to be converted to principal use. Both the lots as indicated on file would have frontage at 31st Street, N.W.

11. The property is already used for residential purposes so that granting the variances which would permit the applicants to use the carriage house structure as a residential rental property will not increase the noise, traffic or congestion in the neighborhood. No construction whatsoever is contemplated with this application.

12. Inasmuch as this application is coupled with a plan to give a scenic easement for preservation of the property and to prevent further development, granting the variances will benefit the public by assisting in the maintenance of the historic structure and preserving openness in this historic district.

13. The Office of Planning and Development by report dated March 19, 1982 recommended that the application be granted conditionally. The OPD reported that the requested variances are needed to subdivide the property into hypothetical lots to enable the applicants to use the accessory carriage house residence as a principal dwelling which could be rented out without restrictions. The property 1645 - 31st Street, N.W. is designated as a category III Landmark which should be preserved if practicable. The applicants have stated that they would establish a scenic easement to preserve the character and the relationship of buildings at the premises. It was the opinion of the Office of Planning and Development that the proposed variances in conjunction with the scenic easement would remove the practical difficulty that the applicants are experiencing at this time while safeguarding the historic character of the area. The OPD recommended that this application be approved with the condition that a scenic easement satisfactory to the Board be established to preserve the character of the area. The Board so finds.

14. The Citizens Association of Georgetown, by letter dated March 22, 1982 reported that it had no objection to the granting of the requested variances if, and only if, the granting and recording of a satisfactory preservation easement is made an integral part of the BZA Order allowing the variance. The Board concurs.

15. Advisory Neighborhood Commission 3A by letter of March 17, 1982 reported that at its regular monthly meeting on March 3, 1982, the following resolution was approved:

"RESOLVED: That Advisory Neighborhood Commission 3A does not oppose BZA Application #13713, subject to the condition that the Board of Zoning Adjustment receives from Alfred and Jean Friendly evidence of the recordation of a satisfactory covenant or easement against future sub-division of Square 1182, Lot 817."

The Board concurs in the ANC resolution.

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

CONCLUSIONS OF LAW AND OPINION:

Based upon the record, the Board concludes that the requested variances from the side yard and rear yard requirements are area variances, the granting of which requires a showing of practical difficulty stemming from the property itself. The Board notes that the existing building sits in the corner of the property adjacent to the property lines. The carriage house structure has historic value that ties it to the main structure. The Board concludes that these factors create an exceptional situation or condition of the property.

The Board notes that the applicants have sought these variances to obtain permission to use the structure, which is now an accessory building, as a separate dwelling, which is a principal use. Although any number of principal buildings may be located on a single lot of record pursuant to Section 7615, each such building must be in compliance of the Zoning Regulations. The applicants have submitted a plat of the property with their original application of materials showing the theoretical subdivision of the property. The Board notes that this plat was submitted for the purpose of demonstrating that only variances from the rear yard and side yard requirements were needed to bring the carriage house structure into compliance with the Zoning Regulations. The Board concludes that the applicants have not requested any Board action with respect to subdividing the property nor does the Board make any decision with respect to any subdivision.

The Board further concludes that the surrounding residential neighborhood will not be adversely affected by the grant of variances. The structure is already in use as a residence for the applicants' household employees and granting the variances so that the structure can be used as a principal dwelling will not alter the character or nature of the use of the structure or of its impact upon the neighborhood. The applicants' proposal furthers the public interest in that the application is coupled with the applicants' proposal to give a scenic easement that will preserve this historic property and maintain the openness that it gives to the neighborhood by preventing further development of the property. Accordingly, the Board concludes that the variances 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 SUBJECT to the CONDITION that the sub-division shall not be approved by the Zoning Administrator until a scenic easement has been accepted by the Foundation for the Preservation of Historic Georgetown or the L'Enfant Trust, or such successor organization to

either one of those groups as may be designated, and is recorded in the land records of the District of Columbia.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton and William F. McIntosh to grant, 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: JUL 29 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.