

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13790, of Daniel and Anne Cannon, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing construction of a two-story accessory building, garage with storage, exceeding fifteen feet in height (Sub-section 7601.3) in an R-4 District at the premises 637 East Capitol Street, S.E., (Square 869, Lot 38).

HEARING DATE: July 14, 1982
DECISION DATE: August 4, 1982

FINDINGS OF FACT:

1. The subject site is located on the south side of East Capitol Street between Sixth and Seventh Streets and is known as premises 637 East Capitol Street, S.E. It is in an R-4 District.

2. The subject site has a width of 19.90 feet and a depth of 128.08 feet. To the rear of the site is a thirty foot wide public alley. The site is rectangular in shape and is flat.

3. The site is improved with a three story, brick, row structure with a basement under the front portion of the house. The rear yard has a depth of 66.58 feet. Parking is in the rear yard which opens to the public alley.

4. The applicant proposes to construct a two-story accessory building to serve as a garage and storage space. The building will be 19.9 feet wide and 20.0 feet deep. The rear yard provided will measure 46.58 feet upon completion of the addition. The rear of the addition would extend to the alley line.

5. The high point on the proposed accessory building will have a height of 20.25 feet. The maximum height allowed under the Zoning Regulations is fifteen feet. The applicant seeks a variance of 5.25 feet or thirty-five per cent.

6. The applicants testified that the construction of the proposed accessory building is to provide shelter for the automobile, to accommodate the owner's storage of family furniture and papers, and to increase the security of the existing residence. The applicants testified to an

accumulation of furniture over the years. Fifty per cent of the furniture is to be given to their children. The furniture is now stored in the basement and bedrooms of the house. Records have accumulated over forty years. Pictures were introduced to the file evidencing the amassing of records and memorabilia. The applicants also testified to the break-in to their home and their loss of possessions and the robbery of items outside the home but on the site.

7. The applicants further testified that they required the variance in height because the fifteen foot limitation would not provide sufficient maneuverability on the second floor of the addition. Mrs. Cannon would have to operate in a stooped position. The applicants further argued that such a limitation would reduce the value of the building.

8. The applicants testified to the existence of other buildings on the alley of one and two stories. They further testified that the proposed construction was so designed as to height-wise and aesthetically fit in with the character of the other alley structures, all of which were apparently erected prior to 1958.

9. There were many letters in the record from owners of adjacent properties in support of the application. Their approval was based on the grounds that the addition would improve the appearance of the area, would add to the aesthetic quality of the alley, would be consistent with the architecture in existence, which includes a number of two-story structures and would aid in discouraging crime. The Board finds that these grounds are laudatory but, as discussed below, not a basis on which an area variance can be granted.

10. The Capitol Hill Restoration Society, by letter of July 8, 1982, reported that at its regularly scheduled meeting on July 6, 1982, the Zoning Committee of the Society voted to oppose this application on the grounds that there had not been demonstrated a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the owner of this property which would justify the variance in question. The applicants' stated need for the structure in question rests on the need for security and storage. It appeared to the Society that a garage structure would materially enhance the security of the subject property. However, the Society argued that there had been no showing that a conforming fifteen foot high structure would not adequately answer this need. Similarly, with respect to storage, a need personal to the applicant, there had been no showing that the upper story of a fifteen foot garage would not reasonably serve this need. The Society argued that the fact that it would be more convenient to have a higher clearance in the storage area, or on the first floor, was

not sufficient grounds for granting the requested variance. The Board concurs in the recommendation and reasoning of the CHRS.

11. Advisory Neighborhood Commission 6B made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking an area variance, the granting of which requires substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property itself. The Board concludes that the practical difficulty does not exist. The site is rectangular in shape and is flat. The site is neither narrow nor shallow. There are no unique topographical conditions. The applicants difficulty is a personal one. The difficulty is based on what is convenient. The applicants testified that the addition will be used to shelter the car, provide storage space for the seldom used family furniture and records and to increase the security for the existing dwelling. The Board concludes that all of the above reasons are worthy ones, but the same results could be accomplished within the framework of the Zoning Regulations. A fifteen foot accessory building could be constructed and no variance relief would be required albeit the height may not be so convenient. A personal difficulty is no basis on which to grant an area variance. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-1 (Douglas J. Patton, Lindsley Williams, Connie Fortune and Charles R. Norris to DENY; William F. McIntosh OPPOSED to DENIAL).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

JAN 27 1983

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."

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