

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13870, of John J. Krieger, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an accessory building to exceed fifteen feet and one story in height (Sub-section 7601.2) to permit the construction of a two story accessory building to be used as a study/guest residence and garage in an R-4 District at the premises 232 11th Street, S.E., (Square 990, Lot 98).

HEARING DATE: November 17, 1982
DECISION DATE: December 1, 1982

1. The subject property is located on the east side of 11th Street between Independence Avenue and C Street, S.E. and is known as 232 11th Street, S.E. It is in an R-4 District.

2. The subject lot is rectangular in shape containing approximately 1,700 square feet of land area and approximately 14.47 feet of frontage on 11th Street. The site is improved with a two-bedroom three-story row dwelling with no basement. It was constructed about 1967. The site is generally flat and the rear yard is enclosed with a six foot high wood fence.

3. The subject lot adjoins a fifteen foot wide public alley to the north, followed by row dwellings fronting on 11th Street and two-story row dwellings on the interior of the square fronting on a thirty foot wide public alley known as Gessford Court. The thirty foot public alley also abuts the rear of the subject property to the east followed by the rear yards of row dwellings fronting on 12th Street. To the south adjoining the subject property are two row dwellings similar to and constructed at the same time as the subject property. Immediately abutting the property, to the south in the rear yard is an existing fifteen foot high garage constructed on the rear lot line the full width of the lot. All of Square 990 is in the R-4 District.

4. The applicant proposes to construct a two-story accessory building containing a garage at the ground floor and a studio on the second floor. The structure will be located on the rear lot line and measure the full 14.5 foot width of the lot by a length of twenty-eight feet and a height of nineteen feet. It will be constructed of eight inch masonry block with a stucco finish.

5. The proposed structure would be provided with heating and air conditioning equipment. The second floor studio would be equipped with a bathroom and kitchen. The first floor would also contain a small laundry room.

6. Access to the structure would be from the rear yard and the rear alley by way of the garage door.

7. The applicant testified that the garage and studio are needed to provide off-street parking, a separate laundry facility, added living space to accommodate guests and family visitors and to serve as a library/office.

8. The R-4 District requires a lot area of 1,800 square feet. The subject lot contains 1,700.23 square feet. A lot width of eighteen feet is required and 14.47 feet is provided.

9. A lot occupancy of sixty percent or 1,020.14 square feet is allowed and a lot occupancy of 1,012.9 square feet is provided.

10. A rear yard of twenty feet is required and 75.5 feet is provided.

11. An accessory building height of fifteen feet is allowed and nineteen feet is proposed, requiring a variance of four feet or 26.7 percent. An accessory building is allowed to be one-story in height and two-stories are to be provided, requiring a variance of 100 percent.

12. The applicant testified that the Joint Committee on Landmarks had reviewed the proposed plans. The plans have been modified to incorporate the committee's recommendations.

13. Five letters of support were received into the record from residents within the immediate neighborhood. The grounds for support were that the proposed garage would ease the auto congestion in the immediate area, would improve the appearance of the alley, and would add more security and the proposal is in harmony with other buildings facing Gessford Court. The Board finds that those in support do not address zoning issues. The Board for reasons discussed in its conclusions does not concur.

14. The adjoining property owner to the south filed a letter into the record expressing concern that water drainage be properly handled from the roof of the structure and on the ground so that no adverse effects will occur on the adjoining garage and property.

15. Two letters from neighbors in opposition to the application were received into the record. They objected to

the possibility of increased population of the site, acerbating the already existing problems of cars, trash and noise from Gessford Court. They also expressed concern that the proposal could result in the space being used as a rental unit.

16. The Capitol Hill Restoration Society, Inc., by letter dated November 15, 1982, recommended denial of the application in that the reasons for the variances do not constitute an extraordinary or exceptional situation or condition inherent in the subject property. The reasons stated relate to personal hardships. The Board concurs with the views and recommendation of the Capital Hill Restoration Society.

17. Advisory Neighborhood Commission 6B by letter dated October 30, 1982 recommended denial of the application. The ANC reported that the applicant has not made a showing of a practical difficulty stemming from the property itself. The ANC indicated that there is no problem with lot occupancy. The lot is 1,700 square feet and the house covers 608 square feet. The applicant could still build on 412 square feet. The lot is rectangular in shape and similar to many other lots on Capitol Hill. The ANC further reported that the applicant has at least two options open to build additions to his property and still comply with the Zoning Regulations. The applicant could build a fifteen foot garage with loft space and he could build a one, two or three story rear addition to the house covering an area of 412 square feet. The ANC expressed concern that the proposed accessory structure could be rented and used as an apartment. The Board concurs with the views and recommendation of ANC 6B.

18. No one appeared at the public hearing in favor of or in 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 applicant is seeking an area variance, the granting of which requires the showing of a practical difficulty inherent in the property itself. The Board concludes that there are no practical difficulties unique to the subject property. The owner's reasons for the variances are personal and are not grounds for variance relief. The Board is of the opinion that the applicant will not suffer any practical difficulty by the strict application of the Zoning Regulations. Sufficient lot occupancy remains in which an addition to the principal structure may be constructed. The rear yard is of sufficient depth that an accessory structure can be constructed to accommodate a garage as well as a library/office. The Board concludes that the requested relief

cannot be granted without substantially impairing the intent, purpose, and integrity of the zone plan.

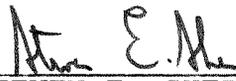
The Board is further concerned that the proposed studio containing kitchen and bathroom facilities could very easily be used as a separate apartment unit in violation of the Zoning Regulations. Separate access to the studio unit could be easily provided by a gate into the rear yard from the alley. Such a situation would be difficult to control.

The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. The Board is further of the opinion that the relief cannot be granted without substantially impairing the intent, purpose and integrity of the Zone Plan. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Carrie L. Thornhill, Douglas J. Patton and Charles R. Norris to DENY).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

MAY 23 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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