

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13962, of Joan W. Donohue, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing a conversion of a two story carriage house into a single family dwelling located on an alley lot which abuts an alley less than thirty feet in width (Sub-section 7606.3) in an R-4 District at premises 636 Brown's Court, S.E., (Square 870, Lot 860).

HEARING DATE: June 11, 1983

DECISION DATE: July 1, 1983

FINDINGS OF FACT:

1. The subject lot is an alley lot and is located in the square bounded by 6th, 7th and "A" Streets and Independence Avenue, S.E. The premises is known as 636 Brown's Court, S.E. It is in an R-4 District.

2. The site is rectangular in shape containing 1,586.49 square feet of land area with 48.83 feet of frontage along Brown's Court, a public alley. It is improved with a vacant two-story masonry carriage house and an attached one-story masonry garage occupying 100 percent of the lot, constructed in 1916. The structures are dilapidated and in disrepair.

3. The site is located in the eastern half of the subject square. On the west, the site fronts on a north-south public alley which is twenty-eight feet wide. The alley extends beyond the subject site to the north and south approximately thirty to thirty-five feet. Directly opposite the subject lot the twenty-eight foot wide north-south alley is intersected by an east-west thirty foot wide alley known as Brown's Court. This alley extends west of the site for approximately the middle half of the subject square. Brown's Court then narrows to a fifteen foot width and extends further west into 6th Street. A similar twenty-eight foot wide north-south alley intersects Brown's Court in the western half of the square. A fifteen foot wide north-south alley extends south of Brown's Court to Independence Avenue in the middle of the square.

4. Immediately east of the site are the rear yards of two row dwellings which front on 7th Street.

5. Immediately to the north and south of the site are the rear yards of structures with frontage on 7th Street.

6. The subject square is characterized by apartment houses and one-family structures including seventeen existing alley dwellings. Twelve of the seventeen alley dwellings have fourteen foot wide lots.

7. One other two-story carriage house aside from the subject property already exists in the square.

8. The subject property was used for commercial purposes prior to 1958. In January, 1953, Certificate of Occupancy No. 18932 was issued for use of the first floor as a warehouse for storage of food products. It was used since 1953 for the storage of eggs. The property has been vacant since December, 1982.

9. All of the subject square 870 is in the R-4 District. The egg warehouse was the only commercial use in the square.

10. The applicant proposes to convert the existing carriage house into a single-family dwelling and will occupy the premises.

11. In 1960, former lot 109 which included the subject lot was subdivided for row dwellings. That subdivision eliminated access to 7th Street for the subject lot.

12. The applicant testified that the warehouse use of the site has generated objectionable noise and congestion from trucks making deliveries at 5:00 A.M. for five days per week.

13. Pursuant to Sub-section 7606.3, a structure located on an alley lot can not be converted for use as a one-family dwelling unless it abuts an alley at least thirty feet in width. The subject lot abuts an alley twenty-eight feet in width, requiring a variance of two feet or 6.66 percent.

14. A petition stating no objection to the application was signed by seven residents of Brown's Court and filed into the record.

16. The Capitol Hill Restoration Society, by letter received May 11, 1983, stated its support of the application. The Society further stated opposition to the 1960 subdivision of the property on 7th Street that resulted in the creation of the substantial non-conforming lot at issue. The property division in this case should not constitute a precedent for other "alley dwellings" where no separate lot exists and where, as in this case, the lot size comes close to meeting the minimum lot requirements. The Board concurs

with the recommendation of the Society but notes that the 1960 subdivision which created the alley lot is not before the Board. The Board notes further that individual cases before the Board are judged on their own merit.

17. Advisory Neighborhood Commission 6B, by letter dated May 1, 1983, voted to support the application for the following reasons:

- a. The structure is now non-conforming and the applicant only wishes to bring the building closer to conforming status by using it as her residence. There will be no expansion of lot occupancy.
- b. The subject structure is the only "commercially" used building in Brown's Court and there are now at least six residences in the court.
- c. There was no opposition.
- d. The Commission believes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. The ANC felt that bringing non-conforming structures to conforming status is the intent and purpose of the zone plan.

The Board concurs with the recommendation and views of the ANC.

17. No one appeared in opposition to the application at the hearing or of record.

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 practical difficulties unique to the subject property. The existing structures on the alley lot were constructed prior to 1958 and occupy 100 percent of the lot allowing no opportunity to increase the width of the abutting twenty-eight foot wide alley. Other properties abutting the twenty-eight foot wide alley are under different ownership and are not controlled by the applicant. The Board is of the opinion that the applicant will suffer a practical difficulty by the strict application of the Zoning Regulations.

The Board concludes that the requested relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan. The proposed use of the

carriage house as a one-family dwelling will bring the property into conformance with the existing R-4 District and the use of properties in the square. It will eliminate a non-conforming commercial use which has been a nuisance and objectionable to the neighborhood.

The Board further concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 5-0 (Carrie L. Thornhill, Maybelle T. Bennett, William F. McIntosh, Douglas J. Patton and Charles R. Norris to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

AUG 15 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."

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 CONSUMER AND REGULATORY AFFAIRS.

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