

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13971 as amended, of Benita A. Sidwell, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) for a proposed addition to an existing accessory garage in an R-4 District at premises 1433 East Capitol Street, S.E., (Square 1058, Lot 63).

HEARING DATE: July 13, 1983

DECISION DATE: September 7, 1983 and January 11, 1984

FINDINGS OF FACT:

1. The subject property is located on the south side of East Capitol Street between 14th and 15th Streets, S.E. and is known as premises 1433 E. Capitol St., S.E. It is zoned R-4.

2. The subject site is flat, rectangular in shape and consists of 2,305.44 square feet of land area. The lot is eighteen feet wide by 128.08 feet deep. The lot now conforms in all respects with the Zoning Regulations.

3. The site is developed with a two-story and basement brick row dwelling and a one-story brick garage structure.

4. The applicant amended the application at the public hearing to delete the request for variance relief necessary for the addition of a second story to the existing garage. The applicant amended her proposal due to neighborhood concerns regarding the height of the garage structure.

5. The applicant proposes to enlarge the existing garage to accommodate two vehicles and provide storage space for tools.

6. The exterior of the existing garage measures eighteen feet wide by twenty feet deep. The applicant proposes to extend the garage into the rear yard for an additional depth of ten feet deep. The garage now extends for the full width of the lot.

7. The maximum lot occupancy permitted by the Zoning Regulations in the R-4 District is sixty percent. The lot occupancy on the subject site is 1,353 square feet. The

permitted lot occupancy for the site is 1,383.26 square feet. The lot occupancy of the subject site with the proposed addition would be 1,533 square feet. A variance from the lot occupancy provisions of 149.74 square feet or 10.83 percent is therefore required.

8. The previous owner of the subject property modified the garage by constructing a cinderblock wall through the center to separate that portion of the garage which was used for storage from that providing walk-through pedestrian access from the alley to the rear yard.

9. The applicant proposes to remove the cinderblock wall and install a remote-controlled, overhead double garage door. The structure could then provide adequate width to accommodate two vehicles within the structure.

10. The applicant presently owns two vehicles which are parked on neighborhood streets. On-street parking in the area is scarce at present and the applicant expects the demand for on-street parking to increase following the completion of the renovation of a nearby structure for condominium apartment use.

11. The standard size of parking spaces required by the Zoning Regulations is nine by nineteen feet. Due to the construction of the walls of the structure the interior of the garage is 17.5 feet deep.

12. The vehicles presently owned by the applicant are a pick-up truck, which is 18.5 feet in length, and a passenger car, which is approximately sixteen feet in the length. The garage, as presently configured, can not accommodate the applicant's parking needs.

13. The proposed enlargement of the garage will allow the applicant to drive into the garage and park, close the door automatically, and proceed through a door into the rear yard, thus adding to the applicant's security.

14. In addition to providing sufficient depth to accommodate the applicant's vehicles, the proposed enlargement will also provide storage space for lawn and hobby tools.

15. The property immediately adjacent to the subject site on the west is identical in size and is developed with a row dwelling and garage structure. The enlargement proposed by the applicant will match the existing lot occupancy and the depth of the garage on the adjacent property.

16. The Capitol Hill Restoration Society, by letter dated July 12, 1983, opposed the variance to exceed the

fifteen foot height and one story limitation. The application has been amended to delete that request. The Society also opposed the variance from the lot occupancy requirements as requested, but would have supported a variance sufficient to provide an interior depth of nineteen feet.

17. Advisory Neighborhood Commission 6B, by letter dated June 28, 1983, opposed the application. The ANC was of the opinion that no exceptional or extraordinary situation exists which creates a practical difficulty upon the owner.

18. At its Public Meeting of September 7, 1983, the Board GRANTED the application subject to the condition that the depth of the garage shall not extend more than 21.5 feet from the rear lot line. The Board assumed that such variance relief was necessary to allow expansion of the garage to accommodate a nineteen foot parking space.

19. At its public meeting of January 11, 1984, the Board reconsidered its decision to grant the application in light of staff calculations which determined that the garage, as conditioned, could be constructed without variance relief.

20. Without requiring a variance the applicant can expand the existing garage by a total of 30.26 square feet. This would allow the rear wall of the garage to be extended approximately 1.5 feet, allowing a parking space inside the garage with a clear depth of nineteen feet. This space would meet the depth requirement of the Zoning Regulations and would be sufficient to accommodate the applicant's vehicles. Since the garage can be expanded without variance relief to accommodate parking spaces nineteen feet in length, the Board concurs with the opinion of the ANC that there is no practical difficulty upon the owner to warrant granting a variance.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires evidence of a practical difficulty inherent in the property itself. The Board concludes that no evidence was presented which shows that such situation or condition exists in the subject property. The subject lot is rectangular in shape, flat, and meets or exceeds the area requirements of R-4 District.

Further, the Board concludes that the applicant has demonstrated no practical difficulty that she would suffer if the Zoning Regulations were strictly applied. The lot,

as presently improved, does not exceed the permitted lot occupancy. The applicant's desire to extend the interior depth of the existing garage from 17.5 feet to nineteen feet may be accomplished as a matter-of-right without variance relief. The applicant's desire for storage space within the garage is personal and is not grounds for variance relief. There is thus no practical difficulty. The applicant has not met the burden of proof necessary for the granting of variance relief.

The Board concludes that it has accorded to the Advisory Neighborhood Commission the "grant weight" to which it is entitled. The Board further concludes that the variance may not be granted without substantial detriment to the public good and with out substantially impairing the intent, purpose and integrity of the Zoning Regulations and map. Accordingly it is ORDERED that the application is DENIED.

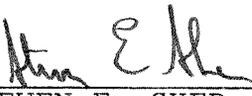
VOTE as to the original grant: 4-0 (Lindsley Williams, Carrie L. Thornhill, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton not voting, not having heard the case).

VOTE as to the motion to reconsider: 4-0 (Lindsley Williams, Carrie L. Thornhill and Douglas J. Patton to reconsider; Charles R. Norris to reconsider by proxy; William F. McIntosh not present, not voting).

VOTE as to the denial: 3-0 (Lindsley Williams, and Carrie L. Thornhill to deny; Charles R. Norris to deny by proxy; William F. McIntosh not present, not voting; Douglas J. Patton abstaining).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

FEB - 7 1984

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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