

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13973 of the District of Columbia Development Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements, (Sub-section 3301.1) to use the subject premises as a seven unit apartment house in an R-4 District at premises 1256 New Jersey Avenue, N.W., (Square 523, Lot 857).

HEARING DATE: June 15, 1983

DECISION DATE: June 15, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the southwest corner of the intersection of New Jersey Avenue and N Street, N.W. It is known as the premises 1256 New Jersey Avenue, N.W. and is in an R-4 District.

2. The subject application was filed and advertised as pertaining to Lot 826. In March, 1981, the two lot numbered 825 and 826 were combined into one lot numbered 857, as shown on the Plat of Survey prepared by H. Malmud and Associates, dated February 2, 1983, marked as Exhibit No. 2 of the record.

3. The subject lot contains 1,663 square feet of land area. It is improved with a three story plus basement brick structure. The structure occupies almost the entire lot. Records of the Department of Consumer and Regulatory Affairs indicate that portions of the structure were formerly identified as 300 and 302 N Street, N.W.

4. The building is presently vacant. Certificates of occupancy were issued in 1958 and 1967 indicating that 1265 New Jersey Avenue, N.W., the portion of the property formerly known as Lot 826, was used as a tenement house. The certificates of occupancy did not indicate the number of units in the building. A certificate of occupancy was issued in 1962 for use of the basement of 300 N Street, again Lot 826, as a barber shop. A Certificate of Occupancy was issued in 1964 for the first floor of 302 N Street, Lot 825, as a restaurant seating less than seventy-five persons. The barber shop and restaurant were non-conforming uses.

5. The applicant proposes to convert the existing structure into an apartment house containing seven apartment units. There would be four one-bedroom units, two two-bedroom units and one efficiency unit. The seven units would range in size between 350 and 950 square feet. The subject structure contains over 4,700 square feet of floor area.

6. According to the Zoning Regulations, at least 900 square feet of lot area is required per unit to convert a building to an apartment house in an R-4 District. The subject lot would thus require 6,300 square feet of lot area. Since the lot contains only 1,663 square feet, a variance of 4,637 square feet is required.

7. The subject property is located in the Shaw Urban Renewal Area.

8. The general area in which the property is located is residential in character. There are rowhouses adjoining the site to the south along New Jersey Avenue, across New Jersey Avenue to the east and to the west along N Street. Diagonally across New Jersey Avenue is Dunbar High School. Directly across N Street is a new fire station.

9. The building as renovated would have one unit in the basement and two units on each of the other three floors. Entrance to the building would be primarily from the N Street side of the building. There would also continue to be access to both the basement and the first floor of the building from New Jersey Avenue.

10. The proposed conversion of the subject property is part of a larger undertaking by the applicant, known as the Barry-Homes Project, whereby the applicant will rehabilitate a total of six residential structures containing a total of twenty-four units within the District of Columbia. The applicant has undertaken the Barry-Homes Project pursuant to an agreement with the U.S. Department of Housing and Urban Development (HUD) to make the rehabilitated dwelling units available for rental to low and moderate income families pursuant to the Department's guidelines for Section 8 housing.

11. The applicant is a District of Columbia, not-for-profit corporation, which has been chartered to promote economic development and housing in low-income areas of the District of Columbia. The applicant is funded exclusively by the District of Columbia Department of Housing and Community Development.

12. The Department of Housing and Urban Development established a deadline of February 1, 1984 for all the properties to be ready for occupancy. The HUD commitment of funds is based on the approved mix of units.

Any adjustment in that mix would result in the loss of funding for the entire project.

13. The practical difficulty faced by the applicant is caused by the size of the building in relation to the size of the lot, combined with the cost of converting the vacant structure to apartment use consistent with the approved HUD package.

14. The number of units proposed does not significantly intensify the use of the building. The former tenement house may have had as many as ten units. In addition, there were formerly commercial uses in part of the basement and first floor of the building.

15. The Office of Planning, by memorandum dated June 8, 1983, recommended that the application be approved. The Office of Planning noted that the proposed use of the property for apartments would have the effect of a substantial reduction in the degree of nonconformity at the site. The requested area variance on the site is necessitated by the constraints imposed by the federal funding requirements. In the opinion of the Office of Planning, the proposal would have a positive impact on the neighborhood in that the vacant vandalized structure would be rehabilitated and would increase the housing supply for low and moderate income families in the area. Furthermore, the nonconformity in use of the site would be eliminated and the site would be reclaimed totally for residential use. The Office of Planning found that the proposed units would be adequate in size, averaging more than 700 square feet per unit. The Board concurs with the findings and recommendation of the Office of Planning.

16. There was no report from Advisory Neighborhood Commission 2C.

17. There was no opposition to the application at the public hearing or in the 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 a showing of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that the area of the building in relation to the lot area of the property, combined with the overlapping District and Federal requirements pertaining to the configuration of the units proposed within the structure, constitute an exceptional condition inherent in the property causing a practical difficulty for the owner.

The Board notes that there was no opposition to the application. The Board concludes that the relief 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.

VOTE: 5-0 (Carrie Thornhill, Maybelle Taylor Bennett, Douglas J. Patton, William F. McIntosh 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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