GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14105, of Edward J. Donahue III, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1), the closed court width requirements (Sub-section 3306.1) and the floor area ratio requirements (Sub-section 3302.1) to permit a proposed two car garage and enclosure of patio as an addition to a flat in an R-5-B District at premises 1453 Corcoran Street, N.W., (Square 208, Lot 69).

HEARING DATE: March 14, 1984
DECISION DATE: April 4, 1984

FINDINGS OF FACT:

1. The subject site is located on the north side of Corcoran Street, N.W. between 14th Street on the east and 15th Street on the west. The site is in an R-5-B District and is known as premises 1453 Corcoran Street, N.W.

2. The subject lot is rectangular in shape. Its dimensions are 19.5 feet on the north and south sides and ninety-five feet on the east and west sides. The lot area is 1,852.5 square feet.

3. The subject site is improved with a brick two-story structure with a basement. The front of the dwelling is located approximately four feet from the front lot line and has a bay window. The rear of the dwelling has an extension that is fourteen feet wide and twenty-three feet, three inches deep. This extension provides an additional room for the dwelling and thus reduces the rear yard.

4. There is access to and from the subject site through Corcoran Street on the south and through a public alley on the north. The width of the public alley is ten feet.

5. The subject square and the surrounding area are developed primarily with medium to high density residential uses. The area is zoned R-5-B on the north, west and south of the subject square. The western edge of the square is located in a C-M-3 strip that extends along 14th Street.

6. The subject dwelling was constructed in approximately 1855, and is similar in style and size to other structures in the subject square and in surrounding squares.

7. At the time the subject structure was built, there were no Zoning Regulations. The existing structure conforms to the Zoning Regulations adopted in 1958.

8. The existing lot occupancy is 55.47 percent, whereas the maximum permitted is sixty percent. The existing rear yard has a depth of thirty feet, ten inches, whereas the minimum required depth is fifteen feet. The existing gross floor area of the dwelling is 3,082.5 square feet, whereas the maximum permitted is 3,334.5 square feet.

9. The subject dwelling is owned by the applicant who occupies the upper floors as a private dwelling and uses the basement apartment as a residential rental unit. The subject use is a flat under the D.C. Zoning Regulations.

10. There is a parking slab at the rear of the subject site which accommodates two automobiles. The parking spaces are used by the applicant and his tenant, who have one car each. There is access to these spaces from the public alley at the rear of the site. A stockade fence separates the parking area from the portion of the rear yard that adjoins the dwelling. The parking area is open and adjoins the public alley at the rear lot line. The dimensions of the parking area are twenty feet, four inches on the east and west sides and nineteen feet, six inches on the north and south sides. A gravel paving material has been used to surface the parking area.

11. The applicant and his tenant have suffered vandalism to their automobiles while parked at the rear parking area. The vacant or dilapidated buildings remaining in the subject square are a source of vandalism and crime. The applicant and his household experience a sense of insecurity while using the rear yard. They would like a safer enclosure for the open space and the parking area.

12. The applicant proposes to construct a two-car garage on the footprint of the existing parking area. The garage would be one story and would have a height of approximately nine feet. The structure would be brick and would have a metal garage door opening onto the alley. An enclosed passageway at the eastern edge of the site would connect the garage to the rear of the dwelling. A closed court would be created between the garage and the dwelling. The court would be paved with brick and and landscaped with a planter along its northern edge. A stucco finished concrete wall would enclose the western edge of the court, with a height of seven feet, six inches.

13. The applicant stated at the public hearing that the garage could be set back eighteen inches from the public alley to facilitate the turning of cars into the garage from the alley. However, the plat and site plans of record do not reflect this set back, but rather show the garage located at the rear lot line.

14. Because the garage would be connected to the house and would thus be considered part of the main building, their would be no rear yard remaining, thus requiring a 100 percent variance from the rear yard requirements of Sub-section 3304.1. The lot occupancy would be increased to 1,484.31 square feet, requiring a thirty-five percent variance from the provisions of Sub-section 3303.1. The floor area ratio would be increased to 3,539.31 square feet, requiring a six percent variance from the provisions of Sub-section 3302.1. A portion of the closed court would be five feet, six inches wide, thus requiring a sixty-three percent variance from the minimum closed court width provisions of Sub-section 3306.1.

15. The Board of Zoning Adjustment has the power to grant area variances provided that the applicant makes a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

16. The applicant cited five specific incidents of vandalism and theft at the rear of his property which indicated a need for a secure enclosure of the rear yard and parking area. Vandalism, vagrancy, trespassing, theft and drug dealing occur in the alley on a regular basis. These activities have created apprehension among the residential occupants of the square.

17. The neighbors adjoining the subject property on the east and west were consulted about the plans and approved of them. The neighbors expressed a desire to construct similar secure enclosures for their own rear yards.

18. The subject dwelling projects further into the rear of the subject lot than do other dwellings in the square. The narrow rear portion of the dwelling existed when the applicant purchased the property and appears to be a part of the historic design. The kitchen is located in the rear projection. The applicant argued that the existence of this projecting rear portion of the dwelling structure prevents the proposed garage from conforming to the Zoning Regulations. The applicant further argued that the surrounding dwellings in the same square have lots of the

same depth as the subject property, but that most of the structures are shorter. Garages could therefore be constructed that would conform to the Zoning Regulations. The Board finds that these arguments are not substantiated by figures or other evidence.

19. The applicant considered and rejected alternative solutions such as enclosing the rear yard with a wall or a fence. The applicant was of the opinion that a brick wall would create as much visual bulk as a garage. The applicant was also of the opinion that a fence would be too easily damaged by traffic in the alley.

20. The applicant argued that anything that was done to improve the property would improve the neighborhood, and this improvement would not create a negative impact. The applicant conceded that the proposed construction would increase the bulk and density of the site beyond that intended by the zone plan. The applicant has attempted to minimize the bulk of the proposed construction as much as possible by keeping the height of the garage low. The proposed height of nine feet would be the minimum necessary to accommodate the height of a car.

21. Two neighbors who own residences in the subject square submitted letters to the record supporting the application. The support was based on the opinion that the proposed construction would improve the neighborhood.

22. The Office of Planning, by report dated March 7, 1984, recommended that the application be denied. The Office of Planning was of the opinion that a practical difficulty does not exist in regard to the physical characteristics of the property. The requested variances in lot occupancy, FAR, rear yard and closed court are too large for the neighborhood area. The Board agrees.

23. Advisory Neighborhood Commission 2C made no report on 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 area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic conditions. The Board must further find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has not met this burden of proof in showing a practical difficulty inherent in the property. The small size, narrowness and shallowness of the subject site are not unique or exceptional within the subject square. The subject property and the surrounding properties are presently being used for R-5-B residential purposes and no practical difficulty arising from the property has been experienced by the owner in so using the subject property.

The Board further concludes that the two on-site parking spaces proposed by the applicant can be provided on a parking slab as is presently done at the site without the construction of a garage. The security that the applicant is seeking through the proposed garage can be provided through permitted means such as a fence or a wall around the property.

The Board concludes that the granting of a thirty-five percent variance from the lot occupancy requirements, a one-hundred percent variance from the rear yard requirements, a sixty-three percent variance from the closed court width requirements, and a six percent variance from the FAR requirements in an R-5-B District would cause substantial detriment to the public good and would substantially impair the intent and purpose of the zone plan. The requested variances are too large and too numerous. The detriment to the neighborhood from such an increase in density would defeat the purpose of the zone plan, which is to preserve open space in residential districts.

Accordingly, it is hereby ORDERED that the application is DENIED.

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

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 17 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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