

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14175 of Jack B. Krebs, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1) and from the prohibition against permitting required parking spaces to be located in a front yard (Paragraph 7205.12) to convert an existing two story carriage house into a flat in an R-4 District at premises rear 525 T Street, N.W., (Square 3091, Lot 811).

HEARING DATE: September 19, 1984

DECISION DATE: September 19, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject application was on the preliminary calendar for the September 19, 1984, Public Hearing. The affidavit of posting submitted by the applicant bore no indication of the date of posting. The affidavit was sworn to on September 7, 1984, and submitted to the Office of The Zoning Secretariat on September 13, 1984. The applicant testified at the Public Hearing that the omission of the date of posting was an oversight. A resident of a neighboring property testified that she had seen the sign posted for the required fifteen days under the Rules. The Board determined that proper and adequate notice had been given, waived the Rules as to the filing of the affidavit, and heard the application as scheduled.

2. The subject site is located on the north side of T Street, N.W. between 6th Street on the west and 5th Street on the east. The site is in an R-4 District and is known as premises rear 525 T Street, N.W.

3. The subject lot is rectangular in shape. Its dimensions are sixty feet on the north and south sides and 166 feet on the east and west sides. The total lot area is 9,960 square feet.

4. For purposes of this application, lot 811 was divided to establish front and rear theoretical building sites. The theoretical lot at the rear is 48.91 feet deep and sixty feet wide. The theoretical lot at the front of the property is 117.09 feet deep and sixty feet wide. The areas of the front and rear lots are 7,025.4 square feet and 2,934.6 square feet, respectively.

5. The site is improved with a single-family detached dwelling that is located at the southern portion of the site, on the front theoretical lot. A carriage house is located at the northwest corner of the site, on the rear theoretical lot. The carriage house is now vacant and is the subject of this application.

6. There is access to and from the subject site through T Street at the south. There is no alley access. The carriage house has access from T Street through a thirteen foot wide driveway that extends along the western property line of the subject premises.

7. The subject square is located in the LeDroit Park Historic District. The square and the surrounding neighborhood are developed primarily with row and semi-detached dwellings. The north side of T Street in the subject block is developed with single family detached dwellings on oversized lots. These dwellings are Victorian mansions that form part of the historic character of the LeDroit Park District. Located immediately to the west of the subject property is a large, semi-detached structure used as a church. The remaining structures on the street are either semi-detached or row structures used for residential purposes.

8. The subject neighborhood is zoned R-4 on all four sides of the site. The southwest corner of the subject square abuts a C-2-A strip that extends along Florida Avenue in a northwest to southeast direction. South of Florida Avenue, the R-4 District continues. Along the Georgia Avenue/7th Street commercial corridor two blocks west of the site, there are C-M-3 and C-M-1 Districts located to the north and south of Florida Avenue. The Howard University campus is located north of the subject site and University building are scattered throughout the area.

9. The dwelling located at the front of the subject site is a three-story brick structure with a basement. It was formerly used as a single-family dwelling and is currently being renovated as a matter-of-right for use as three apartment units. The carriage house at the rear of the site has been vacant for twenty-seven years and is in a dilapidated condition.

10. The subject premises is owned by the applicant who formerly occupied the dwelling as his residence. In seeking an economical method to restore and preserve the property, he is converting the dwelling into rental units. The applicant proposes to convert the carriage house into a flat as a means of restoring the structure and putting it to a viable use. The applicant also proposes to locate six parking spaces at the northeast corner of the site, directly across from the carriage house.

11. The carriage house is located at the northwest corner of the subject site and abuts the lot lines on the north and west. Its dimensions are 50.21 feet from north and to south and 22.17 feet from east to west. The carriage house has a full first story. A partial second story is approximately 18.5 feet deep from north to south. The six parking spaces proposed for the northeast corner of the site would occupy a slab having dimensions of nineteen feet from east to west and fifty-four feet from north to south. Each parking space would measure nine feet by nineteen feet as is required by the Zoning Regulations.

12. The carriage house on its theoretical lot would have no rear yard because it is located approximately on its rear lot line. This conversion would require a variance from the rear yard requirements of Sub-section 3304.1 of the Zoning Regulations. The proposed parking spaces would be located facing the main entrance of the converted carriage house in what would be considered the front yard of the theoretical lot at the rear of the site. The creation of these six parking spaces would require a variance from the provisions of Paragraph 7205.12 which prohibits a parking space from being located in a front yard.

13. The Board of Zoning Adjustment has the power to grant area variances under Paragraph 8207.11 of the D.C. Zoning Regulations where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties upon the owner of such property, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

14. The existing structure is located 0.83 feet from its rear lot line and cannot be demolished or relocated because it is an historic structure. Although the location of the existing structure renders it impossible to create a rear yard, there is open space at the front of the structure which measures 48.91 feet from north to south and 37.83 feet from east to west and which exceeds the dimensions of a required rear yard. A required rear yard would have a minimum depth of twenty feet with a minimum lot width of thirty feet. The existing open space provides the light and air intended by the Zoning Regulations in requiring that residences have rear yards.

15. There is no alternative location for the on-site parking that would conform to the requirements of the Zoning

Regulations. If the parking slab were relocated to the south, it would intrude into the required side yard of the carriage house and into the required rear yard of the main structure. The intended location of the slab abuts the north and east lot lines and places it at the maximum possible distance from the existing structures at the south and west of the site. The slab cannot be relocated to the north because it would then be outside the subject property. A location at the west or rear of the subject carriage house would also be outside the subject property. The proposed location would be in the front yard of a theoretical lot at the rear of the site.

16. The surrounding residential properties are separated from the subject structure by their rear yards. This open space provides the light and air intended by the Zoning Regulations between adjoining residential properties.

17. The Office of Planning, by report dated September 12, 1984, recommended that the application be approved. The Office of Planning was of opinion that the applicant is constrained in his actions by the pre-1958 construction of the structure and the structure's location within the LeDroit Park historic district. The Office of Planning was of the opinion that the applicant's proposal will not adversely impact neighborhood properties nor impair the intent and purpose of the zone plan. The Office of Planning observed that the site is separated from the adjoining properties by rear yards of sufficient size to mitigate adverse impacts. The Board concurs with the reasoning and the recommendations of the Office of Planning.

18. Advisory Neighborhood Commission 1B, by report dated September 3, 1984, recommended that the application be granted. The ANC's support for the application was based on the following observations:

- A. The property is in the LeDroit Park Historic District and had been used as a carriage house and dwelling. It is situated behind the rear yard of a larger two and one half story dwelling which fronts on T Street.
- B. Carriage house use is a unique feature of the property but is an uneconomical use as the applicant maintains no horses. Thus, practical difficulties will result because, under applicable historic preservation laws, the owner must maintain this uneconomical property according to historic preservation standards. Granting the subject variance would allow an economical and productive property use.
- C. The granting of the application would result

in the addition of six off-street parking spaces, which would not be visible from the street. These spaces would provide parking for residents of the dwelling which the applicant seeks to improve, as well as for the residents of the dwelling fronting on T Street. Currently, no off-street parking is provided on the lot. The addition of off-street parking would thus tend to relieve parking congestion on this section of T Street.

- D. The development of the subject property into a flat will not lead to congestion or overcrowding. The subject lot is a very large lot. Thus, adequate room and open recreational space can be provided.
- E. There is no perceptible community opposition to the proposed improvements. The ANC concluded that the granting of the subject application would not adversely affect the LeDroit Park community but would benefit the community as indicated above.

The Board concurs with the reasoning and the recommendations of the Advisory Neighborhood Commission. The Board is required by statute to give "great weight" to the issues and concerns of the ANC when those issues and concerns are reduced to writing in the form of a report.

19. A neighbor who owns a residence near the subject site testified in support of the application. The neighbor expressed a desire to see the subject site restored and preserved. The neighbor informed the Board that the applicant had been very cooperative in seeing that the renovation and conversion plans are compatible with the character of the neighborhood and that the plans would have no adverse impacts on the use of nearby property. The neighbor further expressed the opinion that there was no other reasonable use to which the applicant could put the subject property and that having it remain vacant would have a negative impact on the neighborhood. The carriage house has been vacant for twenty-seven years. It is in such a dilapidated condition that it will fall down if not restored. The supporter noted that similar restorations and conversions have been done in the Logan Circle Historic District with good results. Finally, the supporter recommended that the Board grant the application. The Board concurs with the reasoning and the recommendation of the neighbor in support.

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 topographical 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.

The Board concludes that the applicant has met this burden of proof in showing a practical difficulty inherent in the property. The existing historic structures on the site are so located that it is impossible to provide a rear yard for the carriage house structure if it is converted to residential units on a theoretical lot. Historic preservation requirements preclude demolition or relocation of the structure to create a rear yard. Further, there is no alternative location for the six on-site parking spaces that would conform to the Zoning Regulations. The proposed location will place the proposed parking slab at the maximum possible distance from the existing structure thus providing the light and air intended by the zoning regulations.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The granting of these area variances would permit a reasonable use of private property which has the support of ANC 1B and of interested neighbors. The Board concludes that it has given the ANC the "great weight" to which it is entitled by law.

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

VOTE: 4-0 (William F. McIntosh, Maybelle T. Bennett, Douglas J. Patton and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

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

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

9 NOV 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."

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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