GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14248 of R. Bruce MacGregor, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against a second story in an accessory building (Sub-section 7601.3) to allow the proposed renovation of the existing second floor and open loft in an existing accessory garage for residential use by a domestic employee in an R-3 District at premises rear 2132 Wyoming Avenue, N.W., (Square 2528, Lot 896).

HEARING DATE: February 27, 1985
DECISION DATE: February 27, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the south side of Wyoming Avenue between Connecticut Avenue and 23rd Street and is known as premises 2132 Wyoming Avenue, N.W. The site is in an R-3 District.

2. The subject site is rectangular in shape and is improved with a detached single family dwelling and a detached two story garage/carriage house at the rear of the lot. A fifteen foot wide public alley is located to the south of the garage.

3. The R-3 District prescribes a minimum lot area of 4,000 square feet. The site contains 7,880 square feet. A minimum lot width of fifty feet is required. The site is an average of 49.25 feet wide. A maximum lot occupancy of forth percent or 3,150 square feet for the subject lot is allowed. The buildings currently occupy 3,131 square feet. No parking spaces are required. The site provides two. The rear yard is nineteen feet deeper than the prescribed minimum of twenty feet.

4. D.C. records indicate that the property was built in 1920 and that the standard of construction, typical for the Kalorama area, is above average. For at least thirty years prior to the time that the current owners purchased the property in July, 1978, it was occupied by a Catholic lay order, Opus Dei, and used as a combined residential instructional facility. During that occupancy, some major renovation/remodeling work was done to the garage/carriage house to make it usable as a residence and for classrooms. There were generally about twelve priests and lay brothers in residence and a student load of up to 150 people per term

utilizing the premises. Prior to the occupancy by Opus Dei, the property appears to have been used as an embassy.

5. In July, 1978, the current owners, Mr & Mrs. R. Bruce MacGregor, purchased the property and returned it to its original single family dwelling status. Since that time, they have expended considerable time, money and energy in repairing and upgrading the property for their personal use, which includes three children and full-time domestic help. In spite of the size of the house, there is not sufficient room for their needs in the main dwelling, which is why they are proposing to renovate and use the garage/ carriage house.

6. The garage/carriage house building is a substantial two and one-half story masonry structure measuring approximately twenty feet by thirty feet. There is a garage for two cars, a bath facility and a storage/utility area on the first floor. The second floor consists of two large rooms with a loft area above. The applicants would like to utilize the second floor and the loft area to make a one bedroom apartment with kitchen, bath, living/dining room and open loft above with about 1,100 square feet of area. There would be no direct access from this structure to the rear alley, only a small door on the west wall to allow access for placing trash out for pick-up.

7. The size of the structure will not be expanded.

8. The neighborhood is composed of many varying uses that belie its present zoning classification. Less than thirty percent of the occupancy of this square and the square to the north property fit into the R-3 classification. The bulk of the residential usage on California Street, Connecticut Avenue and Wyoming Avenue is in high-density apartment buildings, condominiums and hotels. Three lots on Wyoming Avenue, 2107 and 2126, owned and operated by the Field School, and 2142, owned by the Alliance Francaise, are operated as educational facilities. The rest of the properties are owned and operated by at least four foreign governments for various embassy activities.

9. Sub-section 7601.3 of the Zoning Regulations provides that an accessory building in any district shall not exceed one story except in an R-1-A or R-1-B District.

10. The accessory building will not be used as a separate dwelling unit that will be rented and used independent of the main use of the property as a single family dwelling.

11. The applicant argued that despite the prohibition, the subject premises have been used for residential or semi-residential purposes for the better part of the past thirty years.

12. The applicant further argued that, of the five comparable structures in the immediate area, three have already been converted to residential or semi-residential uses and a fourth is being considered for conversion. The Field School is using the carriage house behind 2107 Wyoming Avenue as an employee's apartment, conversion for which was granted within the past eighteen months, and is using the carriage house behind 2126 Wyoming Avenue for classrooms. The French Consulate, at 2129 Wyoming Avenue, one of the properties now on the market, has been using their carriage house as a residence for so many years that most of the current owners on the block don't remember when it wasn't used as such. The Alliance Francaise, at 2142 Wyoming Avenue is also considering conversion of their garage/ carriage house to either a residence for their caretaker or additional classroom facilities. The rest of the garages in the two squares under consideration are single story structures for either one or two vehicles.

13. Finally, the applicant argued that the proposed usage would appear to be the best, if not the only practical usage, that could be made with the existing structure with the least impact on the neighborhood. Even with increased residential usage, there is more than adequate off-street parking and better than that afforded by the rest of the facilities in the area. With no vehicular access to the alley, there would be no increase in the alley's traffic nor to the burden of trash pick-up by the city. Finally, allowing this variance could do nothing other than to increase the value of the property, hence the tax base.

14. The Board concurs with the applicant's arguments.

15. Advisory Neighborhood Commission 1D filed no recommendation at the public hearing or of record.

16. There was no opposition to the application at the public hearing of of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, 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 application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met his burden of proof. The practical difficulty is inherent in the land because of its physical condition as to the existence of the nonconforming two and one-half story structure.

The age and status of the structures also add to the practical difficulty. The Board also notes the lack of opposition, and the fact that the size of the structure will not be expanded.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (John G. Parsons, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris and Douglas J. Patton not present, not voting).

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

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

FINAL DATE OF ORDER: 15 MAY 1985

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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