

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14255 of Robert Schramm, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio requirements (Sub-section 5301.1), the rear yard requirements (Sub-section 5303.1) and the court width requirements (Sub-section 5305.1) to construct a second story addition to an existing structure for retail use in a C-2-A District at premises 301 7th Street, S.E., (Square 873, Lot 84).

HEARING DATE: February 27, 1985

DECISION DATE: February 27, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located within a C-2-A District, at the northeast corner of Square 873, and is a part of the Capitol Hill Historic District. The property is a corner lot at the southwest corner of the intersection of 7th and C Streets, S.E., and is known as premises 301 7th Street, S.E.

2. The subject property was acquired by the applicant in June, 1984, at an estate sale. The applicant lives approximately four blocks from the subject property, at 117 6th Street, N.E. The applicant has previously undertaken renovation projects in the District of Columbia at 518 A Street, S.E., and 117 6th Street, N.E.

3. The subject property is bounded on the north by C Street directly across from Eastern Market, on the east by 7th Street, directly across from Hines Junior High School playground, on the south by a commercial structure two stories in height, and on the west by a commercial structure two stories in height. The surrounding neighborhood is predominantly commercial in nature.

4. The total lot area of the subject property is small, consisting of 1,630.08 square feet. Its dimensions are 67.92 feet in depth by 24.0 feet in width. The subject property has no alley access from the rear.

5. The existing improvements on the subject property occupy eighty-seven percent of the lot. The improvements consist of a two-story brick building, the "main building,"

originally constructed in 1877 and an irregularly shaped one story addition constructed in 1931.

6. The first floor of the main building at the southwest corner of 7th and C Streets, is presently occupied by a coin-operated laundromat known as "The Tub." The second floor has been vacant for many years.

7. The one story brick addition is presently occupied by Capitol Hill Cleaners & Launderers. This addition lies to the south of the main building, and its front faces 7th Street.

8. The only outstanding certificate of occupancy, No. B95735, issued November 24, 1975, is for the first floor of the main building and the addition for the purpose of "coin operated dry cleaning and valet."

9. No portion of the subject property is used for residential occupancy.

10. The existing structures on the subject property are in an advanced stage of decay due to their age. Additionally, the cornice lines of the one story addition do not match the cornice lines of the two-story main building, or the cornice lines of the adjoining two-story buildings to the south along 7th Street and to the west along C Street. The front of the one story addition on the subject property faces 7th Street and the effect is that the one story addition has the appearance of a "missing tooth" in an otherwise consonant group of two-story buildings.

11. The applicant proposes to completely restore the main building to its historical appearance as of 1898, to square off the one story existing addition in terms of height by adding a second story and width in the area of the side court, and to finish the resulting two story addition in a manner compatible with the historically restored main building and the historic district. Additionally, the applicant will extend and finish the existing cellar.

12. Completion of the project proposed by the applicant would eliminate the "missing tooth" effect by matching the cornice lines of the addition to those of the main building and of the surrounding buildings, thus enhancing the appearance of the historic district.

13. On December 19, 1984, the applicant's plans were given unanimous conceptual approval by the Historic Preservation Review Board.

14. Upon completion of the work shown in the plans, the improvements on the subject property will consist of a cellar, first floor and second floor running the length of

the building. The improvements will be divided into three to five separate retail and office spaces.

15. The maximum floor area ratio for commercial uses in a C-2-A District is 1.5. The maximum allowable gross floor area of commercial space for the subject site is 2,445.12 square feet. The existing structures on the subject property contain 2,246.50 square feet of gross floor area, all of which except for vacant space is used for commercial purposes. Under the applicant's plans, after construction, the improvements would contain 2,987.02 square feet of gross floor area, all of which the applicant proposes to use for office and retail space. The improvements would thus contain 541.90 square feet in excess of the maximum allowable gross floor area of commercial space permitted by the Zoning Regulations.

16. Under Sub-section 5303.1 of the Zoning Regulations, commercial structures in a C-2-A District are required to contain a rear yard at least fifteen feet in depth. Due to the layout of the existing improvements, the subject property has no rear yard and has not had one since construction of the one story addition. The existing addition extends to and shares a common wall with the building on the adjoining property to the south along 7th Street. The wall of the building which faces this addition on the property to the south has no windows. The existing addition extends to the west to the applicant's property line, thus covering the portion of the subject property which might otherwise be the rear yard.

17. The proposed construction of a second story on the existing addition would not change the existing lack of a rear yard on the subject property. Neither would it have any adverse effect on light to the adjoining properties, as shown by sun diagrams prepared by the applicant's architect and which were submitted as a part of the record. However, the addition of this second story would allow the rear structure on the subject property to be compatible with the height and historic character of the existing main building on the subject property and the other two-story buildings in the neighborhood.

18. Under the Zoning Regulations, where an open court is provided for a building or portion thereof devoted to non-residential uses in a C-2-A District, the court is required to be not less than twelve feet in width. The presently existing open court on the subject property measures 3.85 feet in width by 53.6 feet in depth by 24.5 feet in height. This court has existed since the construction of the existing improvements. The only present use of this court is for vent pipes for the laundromat, and it is not capable of use for alley access. After renovation of the existing structures in accordance with the applicant's

plans, the open court on the subject property will remain 3.85 feet in width, as it presently exists and the height will also remain the same. The depth will decrease to 43.2 feet, a decrease of approximately ten feet, due to the "squaring off" of the addition.

19. The applicant seeks three variances including from the floor area ratio requirements, the rear yard requirements and the court width requirements.

20. The applicant and his architect testified that there are no alternatives to the to the plans proposed by the applicant. The Board so finds.

21. Advisory Neighborhood Commission 6B, by letter dated February 16, 1985, recommended approval on the application on the grounds that neighbors of the subject property and others had supported the application. The Board concurs in this recommendation.

22. Letters in support of the application were submitted by the Capitol Hill Association of Merchants and Professionals, which also appeared at the hearing and submitted testimony in support, by the Market Row Association, which also appeared at the hearing and submitted testimony in support, and by eight owners of surrounding properties. The owner of the lot adjacent to the subject property to the south appeared at the hearing and testified in support of the application.

23. One letter in opposition was filed in the record from Richard F. Sheehy, who resides at 317 7th Street, S.E. The basis of his opposition was that the Board had denied an earlier application which Mr. Sheehy submitted to the Board with respect to his property. The Board finds that Mr. Sheehy's opposition states no valid ground in opposition to the applicant's application. Upon further review of its records, the Board further finds that in Mr. Sheehy's application No. 12206, dated February 28, 1977, the relief was denied since the applicant could have obtained his relief as a matter-of-right if he redesigned his plans. The lot occupancy variance was not needed.

CONCLUSIONS OF LAW AND OPINION:

Based on the 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 would not cause substantial detriment to the public good and would

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 site. The location of the subject property in the Capitol Hill Historic District is significant, and it is directly across C Street from the heavily-trafficked Eastern Market. The location of the subject property on a corner and the layout of the existing one story addition present particularly exceptional conditions. Similar buildings on adjacent properties are at least two stories in height. The one story addition on the subject property is thus out of keeping with the surrounding multi-story structures of the neighborhood. Unlike additions on neighboring properties which are all off-street, the one story addition on the applicant's property faces 7th Street because the applicant's lot lies on a corner. This exceptional condition serves to highlight the discordance of the applicant's addition with the structures on the surrounding properties. Moreover, the one story addition does not match the cornice lines of the main building on the subject property, which is, like the surrounding buildings, two stories in height. Absent the requested variances the applicant would be prohibited from "squaring off" the improvements on the subject property, as described in the plans, and thereby enhancing the Capitol Hill Historic District. The rear yard and the court condition existed prior to May 12, 1958, the effective date of the current Zoning Regulations.

Granting the requested variances would cause no detriment to the public good and would not impair the intent, purpose or integrity of the zone plan. The purpose and effect of the applicant's project is to restore an existing eyesore in an historical district and to conform the existing structures to the surrounding historical area. The sun diagrams prepared by the applicant's architect demonstrate that addition of a second story to the rear structure will have no adverse effect on neighboring properties. Granting the requested variances would enhance, not adversely affect, the public good. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (William F. McIntosh, John G. Parsons 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:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

29 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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