

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14302, of Curtis Yee, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against the conversion of a non-residential structure, a carriage house, to a single family dwelling located on an alley lot which abuts an alley less than thirty feet in width (Sub-section 7606.3) in an R-5-B District at premises 1809 - 20th Street, N.W., (rear), (Square 109, Lot 45).

HEARING DATE: June 19, 1985
DECISION DATE: July 3, 1985

FINDINGS OF FACT:

1. The subject site is located on an alley lot at the intersection of two interior alleys within a square bounded on the north by Florida Avenue, on the south by S Street, on the east by 19th Street, and on the west by 20th Street. The premises is known as 1809 20th Street, N.W., (rear) and is located in the R-5-B District.

2. The subject site contains approximately 2,243 square feet. It is improved with a two story carriage house that is used for the storage of automobiles. The structure occupies approximately sixty-three percent of the lot area.

3. The entire square in which the site is located is zoned R-5-B. The R-5-B District extends to the east and south of Square 109. A C-3-B District is located to the west and a C-3-C District to the northwest of the subject Square 109.

4. The subject site is located in the Dupont Circle Historic District. The surrounding area is characterized by residential row structures and apartment houses. The immediate uses to the south of the site are single family row dwellings with lot sizes of approximately 1,620 square feet. To the west is an apartment building in which the applicant currently resides. To the north is a small park and a vacant asphalt parking lot that is chained off. To the east are single family row dwellings with lot sizes ranging from 1,900 to 2,337 square feet.

5. A ten foot alley runs eastwest through Square 109 while a fifteen foot alley runs north-south and dead ends at

the ten foot alley. The subject alleys are used by residents of adjoining properties to gain access to parking spaces or garages located within their rear yards and by the Department of Public Works for solid waste collection.

6. The subject structure was originally constructed in 1911 as a carriage house and has never been used for commercial purposes. It is the only remaining carriage house in the square.

7. The applicant proposes to rehabilitate the subject structure to a single family residence to be occupied by the applicant.

8. The finished residence will consist of two floors totalling approximately 2,760 square feet of gross floor area. The first floor will consist of a living room, dining room, kitchen, sitting room and music room. The second floor will contain a study and two bedrooms. The building will be fully sprinklered for fire safety purposes. The applicant will provide one off-street parking space measuring approximately ten feet by twenty feet. Further, the applicant will landscape the rear garden area.

9. No new construction is proposed that will enlarge the subject structure. The only exterior addition proposed is a garden wall.

10. The proposed use of the subject structure as a residence requires a variance from Sub-section 7606.3 of the Zoning Regulations which prohibits the conversion of a carriage house to a single family dwelling when the existing structure is located on an alley lot which abuts an alley less than thirty feet in width.

11. Paragraph 8207.11 of the Zoning Regulations provides that:

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 any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, a variance from such strict application so as to relieve such difficulties or hardship, 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 as embodied in the Zoning Regulations and map.

12. An exceptional practical difficulty results to the owner since the existing structure occupies the lot in such a manner to preclude the opportunity to increase the width of the abutting ten and fifteen foot alleys. Adverse ownership and building configuration of adjacent land further prohibit the possibility of widening the alleys.

13. The subject site is located within the Dupont Circle Historic District and the property is a historic structure. Pursuant to the Historic Landmark and Historic Preservation Protection Act of 1978 the structure can not be razed as a matter-of-right.

14. The design of the renovation is governed by the State Historic Review Board pursuant to D.C. Law 2-144. The applicant has received the Review Board's conceptual approval.

15. A single family dwelling is a permitted use in the R-5-B District. The proposed use would be compatible with other residential uses in the subject square.

16. The subject lot is larger by several hundred square feet than any of the residential lots on the S Street side of the block and larger than more than half of the residential lots on the 19th Street side of the block.

17. The subject structure is dilapidated and if major structural repairs are not made it is in danger of collapsing. The conversion of the carriage house into a single family home is a use which would make the renovation and the preservation of the structure economically feasible. Renovation of the carriage house will permit the preservation of a structure which provides a historical contact for all of the residential structures in the area.

18. A trash holding area will be provided at the subject site. Trash will be picked-up every Tuesday and Friday.

19. As evidenced by Exhibit No. 34A of the record, two foot high planters surrounded by a brick wall will be provided on the east facade of the subject structure to discourage illegal parking in the public alley.

20. A metal wheel guard will be installed on the southeast corner of the building to fortify it in case of an accident by a vehicle turning in the alley.

21. The proposed use will not generate a greater amount of traffic than the current use of the carriage house.

22. The Fire Department, by letter dated June 14, 1985, reviewed the proposed conversion and stated that it would have no objection to the granting of the variance relief provided that the applicant agrees to install an automatic sprinkler system in the entire building before it is occupied. The applicant testified, and the architectural drawings so indicate, that the subject structure will be fully sprinklered. The Board finds that the proposed use will be safe from a fire protection standpoint and concurs with the findings and recommendation of the Fire Department.

23. Advisory Neighborhood Commission 2B, by letter dated June 11, 1985, stated that it had unanimously voted to support the application at its May 22, 1985, public meeting. The ANC noted that there were no persons opposing the application at the meeting.

24. The Dupont Circle Citizens Association and the Residential Action Coalition both filed letters of support in this application. Each group asked the Board to condition the approval on verification from the Fire Department that the use will be safe and that there be an adequate trash removal plan. The Board has complied with both of these requests. Specifically, the Fire Department has approved the use and the applicant provided a trash plan to the Board after consultation with the Department of Public Works.

25. One neighbor testified in support of the application. He stated that the proposed renovation will remove an eyesore in the square and will make the alley system safer. The Board concurs.

26. There was a petition of some thirty-four signatures of neighborhood residents in favor of the application submitted to the record. The signers were of the opinion that the proposed use would improve the character of the alley area and would not conflict with existing uses. No adverse impact was foreseen.

27. Numerous letters of support were filed with the Board by neighborhood residents.

28. One neighbor testified in opposition to the application. He stated that the proposed use was inappropriate and would cause cars to illegally park in the public alley. The parking situation in the area is severely congested and eliminating the parking spaces now provided in the carriage house would worsen the problem. He further stated that at one time he had considered purchasing the site for his own residential use and that he had previously leased a parking space in the subject structure. The Board finds that use of the site for parking purposes would be an underutilization of the site. The Board finds that the applicant is providing

one parking space on the site and the Board will require further architectural treatment of the east facade to discourage parking in the public alley.

29. Two letters of opposition to the application were submitted to the record by homeowners in the surrounding area of the subject site. The homeowners cited the potential fire safety hazard, and parking and traffic congestion in the alley as chief concerns. One property owner stated that he was not notified of the ANC's meeting to discuss the subject application.

30. The Board finds that the proposed sprinkler system will provide adequate protection in the event of fire and that the intended use of the property will not generate additional traffic. The Board also finds that the ANC reported that their meeting was duly called.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance. Single-family dwelling use is permitted on an alley lot. The variance requested relates not to the use but to a physical characteristic of the lot itself i.e., the width of the alley is the only item at issue. The granting of an area variance requires a showing of a practical difficulty upon the owner arising out of some extraordinary or exceptional situation or condition of the property. Further, it must be demonstrated that the relief sought will not be substantial detrimental to the public good nor substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met his burden of proof. The pre-1958 construction of the only remaining carriage house in the square on an alley lot surrounded on two sides by alleys and private lots on the other two sides and the sixty-three percent lot occupancy of the existing historic structure constitute a practical difficulty. The existing alley system cannot be widened to thirty feet. The Board notes the great support for the application. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The proposed use of the carriage house as a one-family residence will bring the property into conformance with the existing R-5-B zoning and the use of other properties in the square. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Construction shall be as indicated in Exhibit No. 34A of the record.

2. The garden wall on the northern property line shall be extended to enclose the parking area.

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

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

ATTESTED BY:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 25 SEP 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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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14302, of Curtis Yee, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against the conversion of a non-residential structure, a carriage house, to a single family dwelling located on an alley lot which abuts an alley less than thirty feet in width (Sub-section 7606.3) in an R-5-B District at premises 1809 - 20th Street, N.W., (rear), (Square 109, Lot 45).

HEARING DATE: June 19, 1985
DECISION DATE: July 3, 1985

DISPOSITION: The Board GRANTED the application, with conditions, by a vote of 4-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy; Douglas J. Patton not present, not voting).

FINAL DATE OF ORDER: September 25, 1985

ORDER

The Board granted the application by order dated September 25, 1985, subject to two conditions. Condition No. 1 of the Board's order required that construction be in accordance with Exhibit No. 34A of the record.

By order dated February 19, 1986, the Board granted a modification of plans to a Ms. Ann Lewin. At the time that that modification was granted, Mr. William Keyserling had entered into a contract to purchase the subject property. By memorandum dated March 19, 1986, Mr. Keyserling requested approval by the Board of a modification of the plans originally approved by the Board and marked as Exhibit No. 34A of the record and approved by the Board's order dated September 25, 1986.

The proposed modification of plans will result in the redesign of door and window treatments which would be more in keeping with the original facade of the building, the relocation of the courtyard gate in order to provide two parking spaces instead of one, the elimination of an exterior chimney, the provision of skylights, the addition of a door on the south wall, and the reconfiguration of interior space.

By letter dated April 1, 1986, a neighboring property owner, who appeared as a party in opposition to the application at the public hearing, advised the Board that he had reviewed the proposed modification of plans and no objection to the proposed modifications.

The Board concludes that the proposed modification of the plans previously approved by the Board are generally cosmetic in nature and make no substantial changes in the size, shape or exterior configuration of the building. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modifications. No additional variance relief is required. There was no opposition to the proposed modification of plans.

It is therefore ORDERED that the MODIFICATION of plans is APPROVED and the plans marked as Exhibit No. 42A of the record shall be substituted for the plans previously approved by the Board. In all other respects, the Order dated September 25, 1985, shall remain in full force and effect.

DECISION DATE: April 2, 1986

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to APPROVE MODIFICATION of PLANS; Paula Jewell not voting, not having heard the case; Lindsley Williams not present, not voting).

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

ATTESTED BY:



EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: 23 MAY 1986

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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HEARING DATE: June 19, 1985

DECISION DATE: July 3, 1985

DISPOSITION: The Board GRANTED the application, with conditions, by a vote of 4-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy; Douglas J. Patton not present, not voting).

FINAL DATE OF ORDER: September 25, 1985

ORDER

The Board granted the application by order dated September 25, 1985, subject to two conditions. Condition No. 1 of the Board's order required that construction be in accordance with Exhibit No. 34A of the record.

By letter dated December 23, 1985, Ann W. LewiN, on behalf of the applicant, filed a timely request for a modification of plans. The proposed modification of plans will result in the provision of fireplaces to make the dwelling more energy efficient, a skylight to help brighten a dark interior space, and a brick fence along the eastern property line to provide additional security to future residents of the dwelling.

The Board concludes that the proposed modification to the plans previously approved by the Board make no substantial changes in the size, shape or configuration of the building. The only exterior modification is the provision of a brick fence along the eastern property line. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modifications. No additional variance relief is required.

There was no opposition to the proposed modification of plans.

It is therefore ORDERED that the MODIFICATION of plans is APPROVED and the plans marked as Exhibit No. 39A of the record shall be substituted for those previously approved by the Board and marked as Exhibit No. 34A of the record. In all other respects, the order dated September 25, 1985 shall remain in full force and effect.

DECISION DATE: Jan 8, 1985

VOTE: 4-0 Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to approve modification of plans; Lindsley Williams to approve by proxy; Douglas J. Patton not present, not voting).

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

ATTESTED BY:


CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 19 FEB 1986

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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