

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14385 of John D. Rockefeller, IV pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the height requirements (Sub-section 7601.3), from the prohibition against permitting a building area for a private garage to exceed 900 square feet (Section 1202) and from the prohibition against rear yard (Subsection 7601.2) to construct three accessory buildings in an R-1-A District at premises 2121 Park Road, N.W., (Square 2630, Lot 819).

HEARING DATE: January 22, 1986

DECISION DATE: January 22, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject site, known as premises 2121 Park Road N.W., contains 691,817 square feet of land area (15.88 acres), and is located in the Crestwood section of the City. The site is bordered generally by Rock Creek Park to the south and west, Shepherd Street to the north, and by the single family homes along Argyle Terrace to the east. It is in an R-1-A District.

2. The R-1-A District extends to the north, south and east of the subject site and is developed with single family detached homes.

3. The subject site is presently occupied by a large mansion built in approximately 1927, plus a swimming pool and equipment shed. The property has been devoted to single family residential use continuously since it was constructed.

4. The property is undergoing extensive renovation for continued use as a single family dwelling. As part of that renovation, the applicant will remove the outdated pool and equipment shed and replace these with a new enclosed pool, garage and equipment building more suitable in character, scale and design to the existing home on the site.

5. In order to construct the proposed garage, equipment building and pool house, the applicant is seeking three types of area variances pursuant to Paragraph 8207.11 of the Zoning Regulations which authorizes the BZA to grant an area variance 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 special piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to 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 as embodied in the zoning regulations and map.

6. The applicant is seeking a variance from the height requirements of Subsection 7601.3 which limit the height of an accessory building to 15 feet except that a two story private garage used for sleeping or living quarters of domestic employees of the family occupying the main building may be 20 feet in height.

7. The proposed pool house will be 23.33 feet in height requiring a variance of 8.33 feet (55.5 %). The proposed garden equipment house will be 23.5 feet in height requiring a variance of 8.5 feet (56.6%). The proposed garage will be 28.5 feet in height requiring a variance of 8.5 feet (42.5%).

8. The applicant also seeks a variance from Section 1202 which limits a private garage to 900 square feet. The proposed garage will be 2,013.40 square feet requiring a variance of 1,113.4 square feet (123.7%).

9. The applicant further seeks a variance from the prohibition of subsection 7601.2 which prohibits an accessory building from being located in a place other than the rear yard in order to located the pool house in the east section of the subject site.

10. The subject site contains over 92 times the minimum lot size for the R-1-A District and is one of the largest single-family parcels in the entire city. The site is of an irregular configuration, and over one-half of the perimeter of the property is the common boundary line with Rock Creek Park.

11. The property has an irregular topography, with sloping terrain, and a ravine which bisects the southern one-third of the property from the northern two-thirds. The site contains very little flat land area relative to its size.

12. The subject site is heavily vegetated, with many specimen trees of up to 3 to 5 feet in caliber, with heights of 70 to 100 feet. The applicant will provide additional landscaping along the property line and other locations on the site which will further screen neighboring properties.

13. The mansion on the subject property predates most all of the other houses in the neighborhood. The original plan for the house included the construction of a garage and equipment building in approximately the same location as the garage and equipment building which are proposed in this application. The proposed garage plan is based upon the original garage design from 1928. The new pool house will be built on the same site as the original pool.

14. The garage building, which will be two stories high with the top floor occupied by domestic employees of the family occupying the main building, will be set back approximately 25 feet from the Shepherd Street (north) property line. It is as far back from Shepherd Street as possible given topographic constraints.

15. Shepherd Street is a 90 foot right-of-way, with a 30 foot curb-to-curb width, and 30 feet of public space on each side of the roadway. The garage building will actually be set back a minimum distance of 55 feet from the curb line of the street. The average setback from the street for the houses along Shepherd Street is approximately 40 feet from the curb of the street in this area, thus the garage will be set back a further distance from the street than many of the houses along shepherd Steet.

16. The proposed equipment building, which will be used to store equipment and landscaping materials, will be adjacent to the proposed garage and will be connected only by a brick wall.

17. The garage and equipment building are orientated so that the minimum amount of building facade is facing directly out toward Shepherd Street and the abutting property to the north, and the equipment building has been placed as far from Shepherd Street and the adjacent properties as possible.

18. The pool building will be set back approximately 150 feet from the Shepherd Street property line, and 250 feet from the eastern property line. It will be screened from adjacent properties by heavy vegetation.

19. The strict application of the regulations would require the pool building to be located generally to the north and west of the existing house. There is no room in this area of the property for the pool, because the garage and equipment building will be placed in this location. That area is one of the only flat areas on that portion of the property, and the garage and equipment building are more appropriate for this location than the pool due to their proximity to the existing entrance on Shepherd Street. To crowd the pool building, the garage and the equipment building into this location of the site would be contrary to sound planning principles for this property.

20. The Georgian Revival mansion on the property is of a grand scale, and is approximately 43 feet in height to the top of the roof, and 53 feet to the top of the chimneys. It contains approximately 21,300 square feet of floor area.

21. The garage, the equipment building and the enclosed pool have all been designed to be harmonious in character, appearance and scale with the main building on the property.

22. Without the requested variances, the buildings would have to be constructed with flat roofs which would be inconsistent with the design of the main house. The construction of the pool, garage and equipment building at a smaller scale within the height restrictions would compromise the relative scale and harmony between the main house and the accessory building, which would then become out of proportion.

23. Advisory Neighborhood Commission (ANC) 4A submitted a written report and testified at the public hearing that it had voted unanimously to support the subject application. The ANC cited that the landscaping and general restoration of the property would be an asset to the neighborhood. The Board concurs with the recommendation of the ANC. The Board concurs with the recommendation of the ANC.

24. A neighbor who lives directly across Shepherd Street from the subject property appeared and testified in support of the application. He stated that the continued use of the property for single family purposes would be beneficial to the neighborhood. He commented further that he was impressed by the efforts of the Applicant to communicate with the neighbors about the application.

25. Four letters of support from neighboring property owners were submitted into the record. These persons stated generally that the renovation of the property would be an asset to the neighborhood and that the proposed improvements would be architecturally compatible with the existing house.

26. There was no opposition to the application, either of record or at the public hearing.

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 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 the burden of proof. The practical difficulty is inherent in

the land because of its topography since much of the site has a steep slope and only certain areas are reasonably suitable for the location of the proposed structures. The Board further concludes that the tremendous size of the lot and the style and large scale of the existing mansion require the accessory buildings to be proportionally large.

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. The proposed accessory buildings will be adequately setback and screened from neighboring properties.

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: 5-0 (Lindsley Williams, Paula L. Jewell, Charles R. Norris, William F. McIntosh, and Carrie L. Thornhill to grant).

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

ATTESTED BY: *Cecil B. Tucker by B. Jensen*
CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 08 APR 1990

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.

14385order/DON19