

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14503, of Robert A. Dodd, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against the subdivision of a lot where the division results in violations of the zoning requirements (Section 1302.2) for lot area and width (Sub-section 3301.1, lot occupancy (Sub-section 3303.1), and rear yard (Sub-section 3304.1) and for a variance from the off-street parking requirements (Sub-section 7202.1) for a proposed subdivision of an existing through lot in an R-4 District at premises 1312 Maryland Avenue, N.E. and 1305 G Street, N.E., (Square S-1027, Lot 7).

HEARING DATE: November 12, 1986  
DECISION DATE: November 12, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1312 Maryland Avenue, N.E. is located in the triangular Square (S-1027) bordered by G Street to the north, Maryland Avenue to the south and 13th Street to the west. The site is located in an R-4 District.

2. The R-4 District extends in all directions from the site. The area is primarily developed with row dwellings.

3. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the prohibition against the subdivision of a lot where the division results in violations of the Zoning Requirements (section 1302.2) for lot area and width (Sub-section 3301.1) lot occupancy (Sub-section 3303.1) and rear yard (Sub-section 3304.1) and for a variance from the off-street parking requirements (Sub-section 7202.1) to subdivide the existing lot.

4. The existing lot is basically rectangular in shape. It is a through lot with a frontage of 18 feet along G Street and a frontage of 16 feet along Maryland Avenue. The east property line is approximately 74 feet long. The west property line is approximately 82 feet long. The lot area is approximately 1,251 square feet.

5. The site is improved with two separate structures. The house fronting on Maryland Avenue known as premises 1312 Maryland Avenue was built circa 1895. It contains two

residential units. The house fronting on G Street known premises 1305 G Street was built around the turn of the century and has been used as a residence since the 1930's.

6. The applicant proposes creating two separate lots so that each structure could have its own lot thus creating two taxable lots which can be sold individually.

7. It is anticipated that if the lot were divided into two separate lots the houses could then be sold to owner-occupants rather than renters. The owner has not been able to sell the properties because of their unusual characteristic of not having a separate lot for each structure.

8. Neither the structures nor the use of the land will be altered by the subdivision.

9. Parking could not be provided on the site without destroying one of the structures.

10. A Commissioner from Advisory Neighborhood Commission (ANC) 6A testified in support of the application. She stated that it would be difficult to sell the houses as "a package" and that the division would have no adverse effect on the neighborhood. It will in no way increase population or parking densities. The Board concurs.

11. A representative of the Capital Hill Restoration Society Zoning Committee testified in support of the application provided that the structure on G Street is not converted into flats. He stated that an extraordinary situation exists on the property because of the single through lot with unrelated houses fronting on two different streets. He further stated that the application will not have an adverse impact on the neighborhood. The Board concurs but finds that it cannot restrict the matter-of-right-conversion of a single family structure into flats in the R-4 District.

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

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 of the zone plan.

The applicant is seeking a variance from the provisions of Section 1302.2 to allow the subdivision of a lot into two lots, each containing a row dwelling, resulting in now lots which do not meet the lot area, width, occupancy and rear yard requirements. Sub-section 3301.1 requires a lot area of 1800 square feet. The total lot area of approximately 1,251 square feet is already less than the minimum. Sub-section 3301.1 also requires a minimum lot width of 18 feet. The lot does not now have an average width of at least 18 feet. The new lots will have widths of only 16 feet requiring a variance of two feet or 11.11 percent. Sub-section 3303.1 allows for a lot occupancy of 60 percent. The Maryland Avenue structure exceeds this by 72.2 square feet or 14.21 percent. The structures at G Street exceeds the lot occupancy allowance by 30.85 square feet or 12.77 percent. Sub-section 3304.1 requires a rear yard of 20 feet. The structure at Maryland Avenue provides a rear yard of 14.7 feet requiring a variance of 5.3 feet or 26.5 percent. The structure at G Street provides a rear yard of 8.14 feet requiring a variance of 11.86 feet or 59.3 percent. Sub-section 7202.1 requires one off-street parking space for the G Street structure. No parking space is provided for the structure requiring a variance of 100 percent.

The Board concludes that the applicant has met the burden of proof. The proposed subdivision will not physically alter the structures or the lot. The division is proposed to create two separate lots of record which can be sold and taxed separately. The lot does not now meet the area, width and lot occupancy requirements. An additional parking space cannot be accommodated on the site. The site is unique in that it is a through lot improved at both frontages with buildings constructed prior to the effective date of the current 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. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant; Maybelle T. Bennett 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: JAN 30 1987

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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