

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14527, of East Capitol Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements (Sub-section 3301.1) to convert an existing church/Sunday school to an eight unit residential condominium in an R-4 District at premises 1000 East Capitol Street, N.E., (Square 966, Lot 11).

HEARING DATE: December 17, 1986
DECISION DATE: February 4, 1987

FINDINGS OF FACT:

1. The application was amended to request a variance to allow the conversion of the church to a six unit residential condominium.

2. The site, known as premises 1000 East Capitol Street, N.E. is located at the northeast corner of the intersection of East Capitol and 10 Streets. It is in the R-4 District.

3. The site is basically rectangular in shape with a frontage of 21.75 feet along East Capitol Street and a frontage of 78.50 feet along 10th Street. The lot area of the site is 1,649 square feet. An alley is located to the north of the site. The site is improved with a three-story plus basement semi-detached dwelling comprised of 6,400 square feet. The structure occupies 100 percent of the lot area. The structure was built circa 1920. On May 12, 1958, the effective date of the current Zoning Regulations, the structure became nonconforming as to lot area and side yard setback requirements.

4. The structure was likely built as a single-family mansion. During the 1940's the structure had a Certificate of Occupancy for a "rooming house". The property has a current certificate of occupancy for a church and Sunday school on the basement and first floors and as a two family flat on the second and third floors.

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

6. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the minimum lot area requirements (Sub-section 3301.1) to convert the existing church to six residential condominiums.

7. The structure is exceptionally large compared to nearby structures and other buildings on Capitol Hill.

8. The structure is located within the Capitol Hill Historic District and it cannot be demolished or substantially altered.

9. If the Zoning Regulations were strictly applied to the structure's conversion to condominiums, two units would be permitted.

10. The removal of the church and sunday school use of the building will eliminate a high volume use. The proposed residential use will result in a less intense use of the site.

11. The Zoning Administrator has credited the use with parking based on the previous rooming house. The proposed apartment house is not required to provide off-street parking.

12. Parking on-site is not possible given the practical difficulty of having 100 percent lot coverage. This situation has existed since the construction of the dwelling. There is unrestricted curb side parking for approximately six cars permitted on both 10th Street and East Capitol Street along the site's street frontage. East Capitol Street is a major Metro bus route providing public transportation to nearby Metrorail stations and other points in the City.

13. Trash will be stored on the interior of the building

14. The Office of Planning (OP) by report dated December 8, 1986, recommended approval of the application. The OP is of the opinion that there is a basis for support of the requested area variance. The premises were developed with a structure four to five times larger than would be allowed to be built on the same site today. This excessive gross floor area coupled with the site's 100 percent lot coverage creates a practical difficulty in complying with the 900 square feet per unit requirement. Further, there is no available land adjoining the subject site to add to and bring up to compliance with the lot area. The Board concurs with the reasoning and recommendation of the OP.

15. By memorandum dated January 14, 1987, the Department of Public Works (DPW) reported that there is sufficient on-street (curb-side) parking in the neighborhood to

accommodate the conversion of the church to a six unit condominium. The DPW further reported that the surrounding street system would be able to accommodate any traffic generated by the proposed development.

16. By letter dated December 4, 1986, Advisory Neighborhood Commission (ANC) 6A reported that it voted to oppose the application for eight units and recommended that five or fewer units be installed.

17. Numerous neighbors of the site expressed opposition to the application at the public hearing and 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 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 relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section 3301.1 of the Zoning Regulations requires that 900 square feet of lot area be provided per apartment unit when an existing structure is converted to an apartment house in the R-4 District. The applicant proposes to convert the structure to a six unit apartment house requiring a lot area of 5,400 square feet. The lot comprises 1,649 square feet necessitating a variance of 3,751 square feet or 69.46 percent.

The Board concludes that the applicant has met the burden of proof. The 1,649 square foot nonconforming site is smaller than the minimum 3,000 square foot lot area requirement for a semi-detached dwelling in the R-4 District. The size of the existing structure, 6,400 square feet of gross floor area, is exceptionally large in comparison to a typical row structure found in the R-4 District. The site cannot be enlarged as it is bordered on three sides by streets or an alley and the subject structure is attached to another dwelling to the fourth side. No part of the structure's exterior may be substantially altered or removed as the structure is located within the Capitol Hill Historic District.

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, purpose and integrity of the zone plan. The Board further concludes that it has accorded to the ANC the "great weight" to which

it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that the number of units shall not exceed six as shown on the revised plans marked as Exhibit No. 27A of the record.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh 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: MAR 12 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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