

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14550, of Mahmood Sanie and Hamid-Reza Izadi, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the minimum lot area requirements (Sub-section 3301.1) and the one on-site parking space requirement (Sub-section 7202.1) to construct a flat in an R-4 District at premises 1307 South Carolina Avenue, S.E., (Square 1040, Lot 35).

HEARING DATE: February 11, 1987
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The site, known as premises 1307 South Carolina Avenue, S.E. is located on the south side of South Carolina Avenue between 13th Street and Kentucky Avenue. The site is located in the R-4 District.

2. The site is an irregularly shaped quadrilateral with a frontage of 32 feet along South Carolina Avenue and a rear lot line of 33.81 feet. The lot comprises 1,648.50 square feet. The lot does not have access to the public alley which serves many of the other lots in the square. The applicant consolidated two adjacent lots to create the subject lot.

3. The site is currently the only existing vacant lot in the 1300 block of South Carolina Avenue, S,E, Two one-story homes previously existed at the site.

4. The lot directly adjacent to the east of the site is improved with a semi-detached row house. The lot to the west of the site is improved with a two and a half story apartment building with six units. The lot to the rear of the site is fully utilized to provide the parking required by the Zoning Regulations for the apartment building. The lots of other row dwellings in the block are typically 16 feet wide.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the minimum lot area requirements (Sub-section 3301.1) and the one on-site parking space requirement (Sub-section 7202.1) to construct a flat on the site.

6. A flat is permitted as a matter-of-right in the R-4 District.

7. The proposed structure will be a three-story row structure. The architectural design and materials of the building will be in harmony with the neighboring structures.

8. The applicants intended to reside in the dwelling after its completion.

9. Due to the lot occupancy limitations, the allocation of parking space in a garage in the structure would render the remaining allowable area inadequate for minimum usable living space on the ground floor.

10. The construction of a curb-cut and driveway off of South Carolina Avenue in front of the site could create the undesirable traffic situation of having a car back-up into South Carolina Avenue approximately 45 feet from its intersection with 13th Street.

11. The location of a curb cut at the front of the site would eliminate two on-street curbside parking spaces.

12. A curb-cut and asphalt driveway at the site would be inconsistent with the existing urban fabric of the neighborhood.

13. On street parking is available in the neighborhood of the site.

14. By letter dated February 4, 1987, Advisory Neighborhood Commission (ANC) 6B reported that it voted to support the subject application. The ANC reported that it was opposed to the provision of a curb-cut and front yard parking space, that the lot was irregularly shaped and oversized and that the neighborhood residents expressed support for the development of the site due to its present unsightly condition. The Board concurs with the reasoning and recommendations of the ANC.

15. By letter dated February 5, 1987, the Capitol Hill Restoration Society reported that it voted to support the application.

16. The owners of a lot in the neighborhood of the site testified in opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are 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, purpose and integrity of the zone plan.

Sub-section 3301.1 of the Zoning Regulations requires a minimum lot area of 1,800 square feet for a flat located in the R-4 District. The lot comprises 1,648.48 square feet necessitating a variance of 151.52 square feet or 8.41 percent. Sub-section 7202.1 requires that one parking space be provided on the site. The applicants are providing no parking on the site.

The Board concludes that the applicants have met the burden of proof. The lot already exists. Prior to the application, the lot was divided into two separate lots, each improved with a single family dwelling. The lot size cannot be increased. In addition, there is no vehicular access to the site so it is not possible to provide parking on the site. Due to limitations imposed on a total lot coverage, the location of a parking garage within the proposed residence would render the remaining allowable area inadequate for minimum usable living space on the ground floor. Furthermore, the construction of a curb-cut and driveway at the front of the site at South Carolina Avenue would create undesirable traffic conditions and the appearance would negatively affect the character of the area.

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 concludes that it has afforded ANC-6B the "great weight" to which it is entitled.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 of the record.

VOTE: 3-0 (Maybelle T. Bennett, William F. McIntosh and Paula L. Jewell to grant; Charles R. Norris and Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

MAR 25 1987

FINAL DATE OF ORDER: _____

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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