

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14553, as amended, of the Quadrant Corporation, pursuant to 11 DCMR 3107.2, for a variance from the lot width requirements for both parcels A and B (Subsection 401.3) for a proposed subdivision of a lot in an R-1-B District at premises 4823 Blagden Avenue, N.W., (Square 2654, Lot 810).

HEARING DATES: February 11 and April 22, 1987 and April 13, 1988

DECISION DATE: May 4, 1988

FINDINGS OF FACT:

1. The application was originally filed by Blagden Associates Limited Partnership. On March 24, 1988, the Quadrant Corporation purchased the subject property and have pursued the application before the Board.

2. The application was originally filed December 15, 1986 and scheduled for public hearing on February 11, 1987. At the request of the applicant, the Board granted a postponement of the public hearing until April 22, 1987, to allow the applicant to develop plans that demonstrated the type and character of house proposed to be constructed on each lot and to present those plans to the community. The applicant subsequently filed plans with the Board and met with certain members of the community.

3. A public hearing was held on April 22, 1987. During the public hearing, the Board determined that the proposed plans of record were not sufficiently detailed and since the Zoning Administrator had not reviewed the detailed plans for compliance with the Zoning Regulations, decided that such a review was needed. The Board suspended the public hearing and left the record open to receive a further memorandum from the Zoning Administrator regarding the detailed plans to be submitted by the applicant.

4. On February 8, 1988, detailed plans were submitted and on March 30, 1988, the Zoning Administrator's memorandum was received indicating that no additional variances were required. The application was scheduled for further hearing on April 13, 1988.

5. The subject site is located on the west side of 16th Street, between Blagden Avenue and Decatur Street, and

on the south side of Blagden Avenue between 16th and 17th Streets at premises known as 4823 Blagden Avenue, N.W. The site is zoned R-1-B.

6. The site is an irregular shaped lot resembling a panhandle. The site is a through lot with fifty feet of frontage on 16th Street and forty-five feet of frontage on Blagden Avenue and contains approximately 10,346.55 square feet of land area. The site is un-improved except for a small deteriorated wooded structure. The site has a sloping topography from east to west. A fifteen foot wide public alley abuts the site to the west.

7. Immediately abutting the site to the north are single-family dwellings with frontage on Blagden Avenue and 16th Street. Across the fifteen foot wide public alley to the southwest of the site is a single-family dwelling. Institutional uses such as a church, private high school, nursery, etc. are in the immediate vicinity of the site. However, the predominant character of the area is single-family detached dwellings in the R-1-B District.

8. As captioned above, the applicant requests a variance from the lot width requirements of Sub-section 401.3 of the Zoning Regulations to permit the subdivision of lot 810 into Parcels A and B. Parcels A and B do not meet the required minimum lot width of fifty feet.

9. Parcel A is proposed to contain 5,002.79 square feet of land area and forty-five feet of frontage on Blagden Avenue. The lot is irregularly shaped with an average lot width of 43.75 feet requiring a variance of 6.25 feet or 12.5 percent. Proposed Parcel B is to contain 5,343.76 square feet with frontage of fifty feet on 16th Street. Parcel B is irregularly shaped with an average width of 38.33 feet requiring a variance of 11.67 feet or 23.34 percent. Each newly created lot has an average width of less than the required minimum of fifty feet. However, each lot contains the minimum required lot area of 5,000 square feet for the R-1-B District.

10. The applicant proposes the subdivision and construction of a single-family detached dwelling on each new lot. The proposed dwellings will be two stories in height, with approximately 2,900 square feet plus basement and attic, and would be constructed of brick with wood trim. Each dwelling will have a garage which will be accessible from the public alley. The yards will be landscaped. The dwellings will occupy less than forty percent of the proposed lot area and will meet the eight foot side yard and twenty-five foot rear yard requirements of the R-1-B District.

11. The architectural treatment of the proposed residences will be in keeping with existing homes in the neighborhood.

12. The lots surrounding the site on 16th Street and Blagden Avenue vary in area and width. The area of each of the proposed lots is greater than many of the lots immediately surrounding the site. The lot to the northeast of proposed Lot A has a frontage of forty-five feet on Blagden Avenue and a lot area of approximately 3,408 square feet. The two lots behind this lot, fronting on 16th Street, one of which is contiguous with proposed Lot B, have frontages of forty feet each and areas of 3,643 and 3,773 square feet. The surrounding residences also vary in size and materials.

13. The Office of Planning (OP) by report dated March 24, 1988, and testimony at the public hearing recommended that the application be approved. OP is of the opinion that conditions related to the physical characteristics of the sites support the area variance. The site is hampered by its unusual shape and size, and is a through-lot. OP believes the owner of the property would be faced with a practical difficulty in developing the site without the requested variances. The proposed lots comply with the other requirements of R-1-B District regarding lot area, lot occupancy, rear and side yard, and parking. The proposed lots will be larger than several of the developed neighboring lots. The Board concurs with the OP's recommendation.

14. The Board waived its rules to accept the late filing of the reports of Advisory Neighborhood Commission (ANC) 4C and 4A both received on April 11, 1988, recommended approval of the application with respect to the variance needed for Parcel B, and recommended denial of the variance needed for Parcel A for the following reasons:

- a. The proposed dwelling on Parcel A will block cross ventilation and cut-off natural light, increasing the cost of electricity, to the existing homes at 4821 and 4825 Blagden Avenue due to the limited amount of space between the units;
- b. Development of Parcel A is inconsistent with Sub-sections 200.2 and 200.3 of the Zoning Regulations;
- c. The proposed dwelling will introduce the commercialization of Blagden Avenue; and
- d. The proposed dwelling will not be compatible with other homes in the neighborhood.

15. The Rock Creek East Neighborhood League, the owners of property at 4821, 4825 and 4861 Blagden Avenue, and other residents in the neighborhood either by testimony at the public hearing and/or in writing opposed the application for similar reasons as ANC 4C, and 4A.

16. The Board disagrees with the recommendation of ANC 4C and 4A. The ANC's recommendation to approve the variance for Parcel B and to deny the variance for Parcel A, is impracticable and unreasonable. To approve or deny the variance for one parcel is to approve or deny the variance for the other. Any decision by the Board can not be separated. In response to the specific issues and concerns raised by the ANC's and other opposition, the Board finds the following:

- a. The applicant proposes to construct a single-family dwelling on Parcel A which conforms in all respects to the requirements of the R-1-B District, except for the minimum lot width for which variance relief is being sought. The proposed structure will provide the required eight foot side yards on either side. The Board can not require the applicant to provide a side yard greater than eight feet. The property at 4825 Blagden Avenue is improved with a structure which is located four feet from the side lot line contiguous with Parcel A as testified to by its owner. The resulting distance between the structures would be twelve feet. If Parcel A had a lot width of fifty feet and the proposed structure conformed to the Zoning Regulations, it would be constructed as a matter-of-right without Board approval. A matter-of-right structure would provide an eight foot side yard that would still result in the same distance between structures.

Abutting Parcel A to the southwest is a fifteen foot wide public alley. Immediately to the southwest of the public alley is the property at 4821 Blagden Avenue. It has been testified to that the single-family dwelling at 4821 Blagden Avenue is located on the side lot line contiguous with the public alley. The applicants plans show an eight foot side yard for the proposed structure on Parcel A. The resulting distance between the structures at 4821 Blagden Avenue and the proposed structure on Parcel A is twenty-three feet. This exceeds the minimum standard of sixteen feet between structures if the lots had been contiguous.

The Board finds that the proposed structure on Parcel A will not adversely effect the light and air to the existing house at 4825 Blagden Avenue. The distance of twelve feet between structures will provide adequate light and air to both dwellings. While it is difficult for the owner of 4825 Blagden Avenue to accept the erection of a home which will lessen the light and view he presently enjoys across an open lot, it is not unusual for structures in the neighborhood to be

less than the sixteen foot standard and be provided with adequate light and air. The Board finds that the distance between the proposed structure on Parcel A and the existing home at 4821 Blagden Avenue is more than adequate and will not adversely effect the light and air of either dwelling.

- b. The Board finds the proposed application is consistent with the general provisions of the R-1 District under Section 20C of the Zoning Regulations. The Board believes that approval of the variance and subdivision will not de-stabilize the neighborhood, but will promote a suitable environment for family life.
- c. The proposed dwelling on Parcel A, which is being opposed, will not create any more commercialization of the neighborhood than proposed Parcel A, which is not opposed. The applicant's intention is the same in either case, to construct single-family dwellings on the lots for sale and use consistent with the Zoning Regulations.
- d. The proposed dwelling on Parcel A will be compatible with the neighborhood. The character and scale of the proposed dwelling will be consistent with other homes in the community in regards to height, bulk, roof line, materials and set backs. The width of the proposed home of twenty-nine feet along the Blagden Avenue frontage is compatible with other homes in the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing 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 of a practical difficulty upon the owner arising out of some exceptional or extraordinary condition of the property. The Board further must find that the relief can be granted without substantial detriment to the public good and that it will not impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has met the burden of proof. The subject lot is irregularly shaped with frontage on two streets. The proposed subdivision will result in two parcels of an irregular shape. The resulting parcels A and B meet all the requirements of the R-1-B District, except the required lot width of fifty feet. Proposed Parcel B does not meet the average lot width requirements because of a fifteen foot wide narrow strip at the rear which reduces the average lot width to 38.33 feet and provide access to the public alley. A variance of 11.67

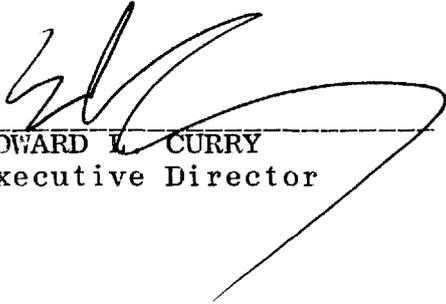
feet or 23.34 percent is required. Proposed Parcel A does not meet the average lot width requirements because of a forty-five foot frontage on Blagden Avenue and averages 43.75 feet for the depth of the lot. A variance of 6.75 feet or 12.5 percent is required. The lot width of both parcels can not be increased because adjoining lots are improved and the existence of a public alley abutting the site to the west and southwest present a practical difficulty upon the applicant. The applicant can not comply with the strict requirements of the Zoning Regulations.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good as stated in Findings of Fact No. 16 and will not substantially impair the intent, purpose and integrity of the zone plan. The Board has accorded to the ANC's the "great weight" to which they are 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. 26A and 45 of the record.

VOTE: 3-1 (Elliott Carroll, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris opposed to the motion; Paula L. Jewell abstaining).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUL 7 1990

UNDER 11 DCMR 3103.1, "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
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14553

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated _____, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Matthew Gross, Quadrant Corp.
3829 Windom Pl., N.W.
D.C. 20016

Charles E. Donegan
4315 Argyle Terr., NW
D.C. 20011

John Eason, Chairperson
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Rock Creek E. Neighborhood League, Inc.
c/o Herman O. Marshall
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EDWARD L. CURRY
Executive Director

DATE: _____