

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14656 of John E. Robinson, Sr. and Mollie C. Robinson, pursuant to 11 DCMR 3107.2, for variances from the lot occupancy requirements of Sub-section 403.2, the prohibition against enlarging a nonconforming structure under Sub-section 2002.5, and the parking requirements of Sub-section 2101.1 in an R-4 District at premises 1313 - 6th Street, N.W., (Square 480, Lots 804 and 805).

HEARING DATE: October 14, 1987

DECISION DATE: October 14, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1313 - 6th Street, N.W., is located on the east side of 6th Street between N and O Streets. The site is located in an R-4 District.
2. The site is basically rectangular in shape with a frontage of 45 feet along 6th Street and a depth of approximately 88 feet. A ten foot wide public alley is located to the rear of the site. The site is improved with a two-story brick structure located at the southwest corner of the site and a one-story structure located at the rear of the site.
3. One of the applicants now resides at the site and will continue to reside at the site after the construction of the proposed addition. The existing structure houses a funeral parlor which operates part-time.
4. Pursuant to 11 DCMR 3107.2, the applicants are seeking a variance from the lot occupancy requirements of Sub-section 403.2, the prohibition against enlarging a nonconforming structure under Sub-section 2002.5 and the parking requirements of Sub-section 2101.1 to construct an addition to an existing funeral home at the site. The addition will be constructed on the empty lot at the northern portion of the site. The addition will have a lot occupancy of 949 square feet. The addition will include a small chapel to seat approximately 100 people, a preparation room, toilet facilities for men and women, and a storage and mechanical equipment rooms. The addition shall have access to the existing funeral home. The addition is designed to be barrier free. The new chapel will be accessible to the elderly, handicapped and wheel chair occupants.
5. The funeral home has been located at the site for the past forty years. The business provides funerals at

many area churches. The business has a volume of 12 to 20 funerals per year.

6. The size of the proposed addition could not be reduced without eliminating essential functions of the operation. The size of the lot cannot be expanded nor could the lot be practically excavated to provide parking.

7. By letter dated October 13, 1987 Advisory Neighborhood Commission (ANC) 2C reported that it voted to support the application for the following reasons:

- A. Robinson Funeral Home has diligently served the community for over forty years;
- B. The residents in the surrounding vicinity support the new construction and expansion;
- C. Construction on the vacant lot would enhance the neighborhood;
- D. The funeral home expansion will bring additional revenue to the city.

The Board concurs with the recommendation of the ANC.

8. A petition of support for the application was submitted to the record by neighbors of the site. The neighbors stated that the new chapel and renovation will be an asset to the neighborhood.

9. 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 applicants are seeking variances, the granting of which requires a showing through substantial evidence that the applicant has met the requirements of 11 DCMR 3107.2. Sub-section 403.2 allows a lot occupancy of 40 percent or 1,584.40 square feet. The addition will result in a structure that will have a total lot occupancy of 1,782 square feet necessitating a variance of 197.60 square feet or 12.47 percent. Sub-section 2002.5 prohibits the enlargement of a structure devoted to a nonconforming use unless the enlargement is to be devoted to a conforming use. The addition will increase the nonconforming use. Sub-section 2101.1 requires that ten parking spaces be provided for the operation at the site. Five parking spaces will be provided at the site necessitating a variance of five spaces or 50 percent.

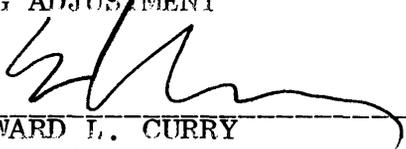
The Board concludes that the applicants have met the burden of proof. The Board notes that the site has a lot area of only 3,961 square feet while a lot area of 4,000 square feet is required for the R-4 District. The site cannot be reasonably be increased in size nor excavated to provide space for parking.

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 afforded 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 construction shall be in accordance with the plans marked as Exhibit No. 31A of the record.

VOTE: 4-0 (Maybelle T. Bennett, William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting)

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

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

DEC 22 1967

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.

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