

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14699, of Jewelmart, Inc. and Daniel R. O'Leary, Ltd., pursuant to 11 DCMR 3107.2, for variances from the lot area requirements (Sub-section 401.3), the alley width requirements (Sub-section 2507.2), and the building height requirements (Sub-section 2507.4) for a building constructed on an alley lot, to permit a subdivision and proposed construction of six (6) row dwellings and one (1) semi-detached dwelling in a CAP/R-4 District at premises 500-504, 506 and 508 Groff Court, N.E., (Square 779, Lots 104-112, 116-121, 804 and 805).

HEARING DATE: January 13, 1988
DECISION DATE: March 16, 1988

FINDINGS OF FACT:

1. The site of the proposed development is 500-504, 506, and 508 Groff Court, N.E., (Square 779, Alley Lots 104-112, 116-121, 804, and 805). Square 779 is bounded by E, F, 3rd and 4th Streets, N.E.
2. The site is located in a CAP/R-4 District as is all of the subject square.
3. The site is presently vacant. It is separated by an existing ten foot wide public alley running north and south. The small portion of the site is abutted by existing row dwellings on alley lots. The area of the subject square surrounding the alley lots is comprised primarily of single-family row dwellings and flats.
4. The property consists of fifteen record lots and two assessment and taxation lots, ranging in size from 1,481 square feet to 2,215 square feet of lot area. The subject property abuts five public alleys: two, ten foot east-west alleys situated to the north and south of the subject property providing access to 3rd and 4th Streets; a fifteen foot north-south public alley abutting the west side of the subject property; a ten foot north-south public alley running through the middle of the subject property; and a twenty foot north-south public alley (Groff Court) to the east of the subject property.
5. The applicant intends to subdivide the lots and construct six row dwellings and one semi-detached dwelling. The dwellings would contain approximately 1,600 square feet of floor area, three bedrooms and two and one-half baths. One parking space per dwelling would be provided at the rear

of each lot and located off of the two north-south alleys situated on the east and west sides of the subject property.

6. The proposed subdivision and construction of seven houses requires variance relief from the lot area requirements (Section 401.3), the alley width requirements (Section 2507.2), and the building height requirements (Section 2507.4).

7. For a row dwelling in the R-4 District, Section 401.3 requires that the minimum lot area be 1,800 square feet, with a minimum width of eighteen feet. All of the seven proposed lots meet the minimum width requirements. Proposed lots A1 and A2 also meet the minimum lot area requirements. The remaining lots (B1 and B5) require variance relief from the lot area requirements.

8. The alley width regulations of Section 2507.2 prohibit the construction of a single-family dwelling on an alley lot unless the lot abuts an alley thirty feet or more in width and has access from the alley to a street through an alley not less than thirty feet in width. None of the surrounding alleys are thirty feet in width. Access to the property is by the two parallel ten foot wide east-west alleys which run between 3rd and 4th Streets, N.E.

9. Section 2507.4 provides that the building height of a structure erected or constructed on an alley lot shall not exceed the distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley. In this case, the building height would be limited to thirteen feet. The applicant's proposed building height is approximately nineteen feet. A variance of six feet is required.

10. The site is in the Capitol Hill Historic District and is subject to the approval of the Historic Preservation Review Board.

11. The size of the lots and the size and location of the alleys make construction of conforming structures impractical.

12. The development's impact on fire, sanitation, water, and sewer systems is relevant to its effect on the public good, but is best decided by agencies with special competence in these areas. The Board defers final judgement on these issues to the appropriate agencies, which must approve the applicant's proposal before a building permit can be issued.

13. The proposed development would not substantially reduce the amount of light and air benefitting the surrounding property.

14. The density of the proposed development would limit the privacy of its occupants, but would not

substantially reduce the privacy enjoyed by the occupants of the surrounding property.

15. The applicants propose to construct one parking space for each unit. Overflow from these spaces would not substantially affect the availability of spaces within the square or on surrounding streets.

16. The parking spaces to be built for the development are the minimum size prescribed by the Zoning Regulations. Because of the proposed parallel parking arrangement, the Department of Public Works (DPW) recommends a parking stall of 9 x 22 feet.

17. The site is in the area served by Advisory Neighborhood Commission (ANC) 6A. Having found that the proposed development would be less detrimental than other possible uses, the ANC recommends the approval of the application, but expresses concern about the development's impact on fire safety and parking. The Board concurs with the recommendation, but finds that concern about parking is unjustified. The ANC's concern about fire safety will be addressed by the Fire Department prior to issuing a building permit.

18. At the hearing several neighborhood residents joined the Office of Planning to recommend that the Board deny the application. Additional opposition to the applicant's proposal was expressed in letters included in the record. The residents and the OP expressed concern for the negative effects which the proposed development could have on sanitation, fire safety, parking, light and air. The Board finds that the development would have little effect on parking, light, or air and finds that adequate measures will be taken to provide adequate fire safety or sanitation.

19. One resident appeared at the hearing to offer his support for the proposed development. Twenty-eight other residents stated their support by writing to the Board or signing a petition submitted by the applicants.

20. The Capitol Hill Restoration Society (CHRS) and the Stanton Park Neighborhood Association Land Use Committee (SPNALUC) expressed concerns about fire safety but only the CHRS gave its support to the applicant's proposal. The SPNALUC did not expressly support or oppose the proposal.

CONCLUSIONS OF LAW AND OPINION:

The applicant is requesting variances from regulations governing lot occupancy (Sub-section 401.3), alley width (Sub-section 2507.2), and building height to alley width (Sub-section 2507.4). The applicants are entitled to relief if they can demonstrate that the regulations create

exceptional practical difficulties due to the unique nature of the subject property, and that a variance would not harm the public good or substantially impair the intent, purpose, or integrity of the zone plan.

Based on the foregoing Findings of Fact, the evidence of record and the condition hereinafter imposed, the Board concludes that the applicants have satisfied all the requirements of Sub-section 3107.2. The applicants have shown that the unique location of the property makes its development exceptionally difficult and that the proposed development will not substantially impair the intent, purpose, or integrity of the zoning plan or harm the public good. It is therefore ORDERED that the application is GRANTED, SUBJECT to the CONDITION that the length of the parking stalls must be twenty-two feet.

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

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

SEP 5 1971

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.

14699order/LJP39