

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15105 of William J. and Collette J. Harris, pursuant to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Sub-section 2101.1) for a 6-room rooming house, basement through third floor, in an R-4 District at premises 2827 - 11th Street, N.W., (Square 2857, Lot 50).

HEARING DATE: September 22, 1989
DECISION DATE: October 4 and November 1, 1989

1. The subject property is located on the east side of 11th Street between Harvard and Girard Streets, N.W. The property is known as 2827 - 11th Street, N.W. It is located in an R-4 District.

2. The site is developed with a three-story row house built in 1907. There is a small porch located at the rear. The structure is presently used as a five-unit rooming house.

3. The general area is characterized by two and three-story single-family rowhouses, small apartment buildings, some convenience shopping establishments, as well as some institutional uses. The University of the District of Columbia has a facility across the street from the subject property.

4. Eleventh Street, N.W., is a major thoroughfare which carries north-south vehicular traffic.

5. The applicants propose to use the structure for a six-unit rooming house - basement through third floor. This use is permitted as a matter-of-right in the R-4 District. The Zoning Regulations require that two 9'x19' parking spaces be provided on site. In addition, in the R-4 District, a rear yard of 20 feet and a lot width of at least 18 feet are required. The rear yard of the subject lot is 17.6 feet while the lot width measures only 17 feet.

6. The applicants maintain that their rear yard is too small to accommodate two regulation size parking spaces. Therefore, they request a variance from the off-street parking requirements and propose to provide two 8.5'x17.6' parking spaces at the rear of the lot.

7. The Office of Planning (OP), by letter dated September 15, 1989, and through testimony at the hearing recommended conditional approval of the application. OP noted that the subject property was developed prior to the enactment of the Zoning Regulations. OP noted further that to meet the minimum rear yard requirement, the applicants would have to demolish one foot of the rear of the structure. Moreover, the lot width requirements cannot be met by increasing the lot because the two adjacent lots are built to the property lines. OP is therefore of the opinion that the owners will experience a practical difficulty because of the size of their lot which predates the Zoning Regulations. OP feels that to grant the requested variance will not have a substantial adverse impact on the area nor will it impair the intent, purpose and integrity of the zone plan. OP therefore recommends approval of the application subject to the condition that the applicants provide the two 8.5'x17.6' parking spaces that they have proposed. The Board concurs with the opinion of the Office of Planning.

8. Advisory Neighborhood Commission (ANC) 1B, by letter dated September 15, 1989 expressed opposition to the application. For several reasons, the ANC was opposed to use of the property as a rooming house for six residents. The ANC further indicated that the rear yard is not easily accessible for automobiles nor is it large enough for the two parking spaces required. The Board finds that use of the property as a six-unit rooming house is permitted as a matter-of-right in the R-4 District and is, therefore, not an issue before the Board. The Board finds further that the small size of the lot is a factor which supports the variance request.

9. The Columbia Heights Neighborhood Coalition (CHNC), by letter dated September 22, 1989 expressed opposition to the subject application. CHNC indicated that the applicants have been operating as a five-unit building without providing the one required parking space and that there is not enough room in the rear for two spaces because of the porch, the embankment between the alley and rear yard and the small lot size.

10. A neighbor residing at 1219 Harvard Street expressed opposition to the proposed use of the property and indicated that the site is not large enough for parking medium length cars.

11. At the hearing held on September 22, 1989, the Board requested that the applicants submit drawings of the site into the record. The Board received the requested diagram on September 27, 1989. At its public meeting held on October 4, 1989, the Board deferred a decision in the case until November 1, 1989 to give the other parties an opportunity to respond to the applicants' submission.

12. The Board notes that the parties have maintained their original positions.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a variance from the off-street parking requirements for a six-room rooming house. The granting of variances 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 granting the requested relief will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met this burden of proof.

The Board concludes that the property is small and that it was developed prior to enactment of the Zoning Regulations. The Board is of the opinion that because of the small size of the lot, the owners are unable to provide the two required 9'x19' parking spaces.

The Board concludes that the parking spaces proposed will be located entirely on the applicants' property and therefore will not affect nearby property owners. The Board further concludes that the use of on-site parking spaces will help to alleviate on street parking. The Board is therefore of the opinion that granting the variance will not be of substantial detriment to the public good.

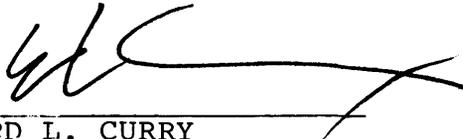
The Board concludes that the variance is minor and that it will not tend to impair the intent, purpose and integrity of the zone plan.

The Board concludes that it has afforded the ANC and the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED on the CONDITION that the applicants provide two eight and one-half foot (8.5') by 17.6-foot parking spaces at the rear of the property.

VOTE: 4-1 (William F. McIntosh, Charles R. Norris and Paula L. Jewell to grant; William L. Ensign to grant by proxy, Carrie L. Thornhill to deny by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 17 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

15105order/BHS18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15105

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated APR 17 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Dorothy Brizill
Columbia Heights Neighborhood Coalition
1327 Girard Street, N.W.
Washington, D.C. 20009

William J. Harris
13108 Burleigh Street
Upper Marlboro, Maryland 20772

Johnie D. Wilson
1219 Harvard Street, N.W.
Washington, D.C. 20011

Stanley J. Mayes, Chairperson
Advisory Neighborhood Commission 1-B
519 Florida Avenue, N.W.
Washington, D.C. 20001

A handwritten signature in black ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: APR 17 1990