

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15770 of Conway B. Jones, pursuant to 11 DCMR 3107.2, for a variance from the 900 square feet of lot area per apartment requirement (Subsection 401.3) to convert an existing rooming house to a three-unit apartment house, basement through second floor, in an R-4 District at premises 813 T Street, N.W. (Square 393, Lot 22).

HEARING DATES: January 13 and March 10, 1993
DECISION DATE: March 10, 1993 (Bench Decision)

ORDER

The property which is the subject of this application, 813 T Street, is located on the north side of the street between 8th and 9th Streets N.W. The site is rectangular in shape and has a 31.5 - foot frontage on T Street. The site contains 1,260 square feet of land area and is improved with a two-story plus basement rowhouse type structure. A ten-foot wide public alley abuts the site to the east.

The structure was built in 1900 as a single-family row dwelling. The last authorized use was as a ticket station. The structure is currently being used as a rooming house.

The applicant proposes to convert the structure into a three-unit apartment house. The R-4 District regulations require a minimum of 900 square feet of land area per apartment unit, or 2,700 square feet total. The applicant is seeking a variance in the amount of 1,440 square feet to allow the conversion.

CONTESTED ISSUES AND ARGUMENTS:

1. Whether the property is unique?

The applicant testified that the subject property is unique because the abutting alley on the east and other adjoining properties prevent him from expanding the property.

The Office of Planning (OP), by report dated January 6, 1993, stated that the site is similar in size, shape and topography to other properties in the area.

2. Whether the owner of the property will suffer a practical difficulty in complying with the zoning regulations?

The applicant testified that without the variance, the structure cannot be used as a three-unit apartment house. He noted that there is a great need for housing in the area and he is trying to increase the number of units that could be put in the building.

The Office of Planning stated that current use of the structure as a rooming house is a matter of right use in an R-4 District. The applicant can continue to use the structure as a rooming house with a valid certificate of occupancy. The building can also be converted to a flat, a matter of right use.

The Office of Planning is of the opinion that the relief requested is excessive for the R-4 District and that a flat would be more consistent with the existing character of the immediate neighborhood than the proposed use.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The property is similar in size, shape and topography to other properties in the area.
2. There are at least two matter of right uses available to the owner of the site without the need for variance relief.
3. No official report from ANC-1B was submitted into the record. Nor did a representative from ANC-1B appear at the hearing to testify regarding this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record, the Board concludes that the applicant is seeking an area variance to allow the conversion of a rooming house into a three-unit apartment building in an R-4 District. The granting of such a variance 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 condition. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has not met this burden of proof. The Board is of the opinion that there is nothing unique about the physical condition of the property that prevents the owner from making reasonable use of the site. The Board

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concludes that the property can be used as a flat or as a rooming house as the structure currently exists. Therefore, the owner is not faced with a practical difficulty arising from the condition of the property itself.

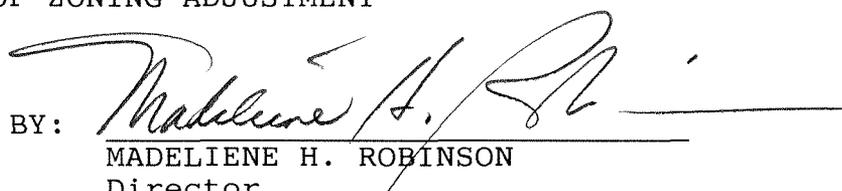
The Board further concludes that the applicant requests a variance which amounts to approximately half of the required land area. The Board believes that such a variance would be excessive and would impair the intent, purpose and integrity of the zone plan for the R-4 District.

In light of the foregoing, the Board **ORDERS** that the application is hereby **DENIED**.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula B. Jewell and Angel F. Clarens to deny; Carrie L. Thornhill and Sheri M. Pruitt not present, not voting).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: AUG 22 1994

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, 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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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 22 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Mr. William H. Price
7004 22nd Place
Hyattsville, Maryland 20783

Conway B. Jones
4114 Lee Street, N.E.
Washington, D.C. 20019

Mary Treadwell, Chairperson
Advisory Neighborhood Commission 1-B
P.O. Box 73710
Washington, D.C. 20056-3710

A handwritten signature in cursive script, reading "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON
Director

DATE: AUG 22 1994