

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING-- May 18, 1966

Appeal #8766 2118 Wyoming Ave, N. W., Inc., appellant

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on June 22, 1966.

ORDERED:

That the appeal for a variance from the rear yard, closed court requirements of the R-5-C District and for erection of apartment building with roof structures in accordance with the provisions of Section 3308 of Zoning Regulations, at 2022 Connecticut Avenue, N. W. and 2118 Wyoming Avenue, N. W., lots 115 and 98, Square 2528, be denied in part.

FINDINGS OF FACT:

(1) The property is a "T"-shaped parcel with frontages on Connecticut Avenue and on Wyoming Avenue.

(2) The property is located in an R-5-C District.

(3) Appellant proposes to build a ten (10) story condominium apartment building attached to an existing 20-foot row house at 2022 Connecticut Avenue, N. W.

(4) Three variances from the Zoning Regulations are requested:

(a) A variance from the rear yard requirements to eliminate the rear yard at the rear of the Wyoming Avenue frontage.

(b) A variance from the required dimensions of the interior court.

(c) Exceptions to density regulations for roof structures provided for in Section 3308.

(5) The Zoning Administrator ruled that if the property is to have principal frontage on Wyoming Avenue there must be a rear yard along the side lot line of that part of the property fronting on Connecticut Avenue. Appellant proposes to eliminate the rear yard entirely in the section fronting on Connecticut Avenue so that the existing Connecticut Avenue building may be retained.

(6) The interior court variance is required in order to use and architecturally join the existing Connecticut Avenue building to the proposed new structure fronting on Wyoming Avenue.

(7) The location of the penthouse requires the approval of the Board of Zoning Adjustment.

OPINION:

The Board finds that no valid reason exists to waive the rear yard, as it has been construed, upon the plans submitted by the appellant. In order to do so the Board must find that the lot is of such exceptional shape, dimensions or topography as to preclude any reasonable use of the property. Such is clearly not the case here.

The property at 2022 Connecticut Avenue was a separate and distinct lot from the property at 2118 Wyoming Avenue. The two lots were united at a recent date by the appellant to form a T-shaped lot having access to Connecticut Avenue and Wyoming Avenue. This is clearly a hardship created by the appellant and the record shows that it was created for the express purpose of qualifying property located principally on Wyoming Avenue for the height granted to property fronting on streets of 110 feet or more in width. The Board cannot grant a variance for this reason.

By refusing to waive the rear yard requirements, we also eliminate the need to provide for a variance from the open court regulations requested by appellant, since this request was dependant upon a favorable finding for the rear yard variance which would have permitted the existing building on 2022 Connecticut Avenue to remain.

In regard to the third requested variance, the appellant has not furnished sufficient data concerning the location of the roof structure and the materials to be used to determine whether or not the penthouse would harmonize with the main structure in architectural character, material, and color. The Board is unable to make any determination until this information is supplied.

The appeals for variances from the rear yard requirements and the dimensional requirements for a court are therefore denied. We cannot grant the request for an exception to permit the construction of the penthouse as insufficient information has been supplied.

The Board, however, imposes the following condition to this entire case when properly presented in its final form. Since the building proposes to use Connecticut Avenue as its frontage only to justify the requirement for increased height, the appellant shall furnish the Board with an appropriate covenant that the property on Connecticut Avenue (lot 303, Square 2528) will be made a permanent part of the entire parcel and, further, that the existing building on lot 303 shall be razed and the land shall remain clear of all structures except landscaping and walkways required to enter the Kalorama House for as long as the Kalorama House exists.