Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- April 17, 1968

Appeal No. 9546 Henry Yaffe, appellant.

The Zoning Administrator of theDistrict of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on April 17, 1968.

EFFECTIVE DATE OF ORDER - May 24, 1968

ORDERED:

That the appeal for a variance of Section 1202 Definition (accessory use) to permit garage and recreation room on lot other than that than which the main use is located at rear of 636 A Street, SE., lot 804, square 869, be conditionally granted.

FINDINGS OF FACT:

[1] The subject property is located in an R-4 District.

[2] The subject property is now improved with a two story brick carriage house which abuts a thirty foot public alley.

[3] The lot upon which the carriage house is located forms the rear of the property fronting on A Street, SE. and actually abuts the rear yard. The front property is owned by the appellant as a residence.

[4] It is proposed to remodel the carriage house and use the second floor as a recreation room for the resident-owner of 636 A Street, SE. The first floor would continue as a garage.

[5] Appellant states that the subject lot with the carriage house has separate financing and therefore it would cause an economic hardship to have to combine teh two lots into one at the present time.

[6] By a notarized statement (BZA Exhibit No. 3) appellant states that the recreation room on the second floor of the carriage house will be for his personal use only.

[7] Section 1202 of the regulations defines accessory use as "a use customarily incidental and subordinate to the principal use and located on the same lot therewith.

[8] No opposition to the granting of this appeal was registered at the public hearing. The Capitol Hill Southeast Citizens Association and the Capitol Hill Restoration Society supports the granting of this appeal.

OPINION:

We are of the opinion that the proposed use of this carriage house is an accessory use to the dwelling. Although located on a separate lot, the use to be made of the carriage house is reasonable and constitutes annormal family use. However, we are aware that the modernization of this structure renders it usable for other than its proposed use. Therefore, we point out that there must be no provisions made to establish a complete living quarter in the structure; that is no complete bath and no kitchen. In addition, we think that the property should be combined at the earliest convenience of the owner.

This Order shall be subject to the following condition:

> These lots shall be combined by subdivision into one lot of record at the earliest possible time and in no case longer than three (3) years from the effective date of this Order.

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

ATTESTED:

By: James E. Bess
JAMES E. BESS
Secretary of the Board