CAPITOL HILL RESTORATION SOCIETY
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BZA No. 16606
1032 D Street, NE
Square 962, Lot 66
Zone: R-4
Hearing Date: 10/10/00 AM

OFFICE OF ZONING
DISTRICT OF COLUMBIA
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October 2, 2000

Board of Zoning Adjustment,
Room 210
441 4th Street, NW
Washington, DC 20001

The Capitol Hill Restoration Society OPPOSES the above referenced application.

The Capitol Hill Restoration Society is a civic association with a current membership of over 950. The Society's interest district is defined in its bylaws and includes the premises involved in this application.

The applicant was not notified of the Committee meeting because we were unaware of the application. The announcement in the DC Register, upon which we rely for information about pending applications, listed the premises as being located in Ward 2 instead of Ward 6. The Committee, however, did consider the following exhibits in the BZA file: an elevation of the 11 Street façade, photographs of the D Street façade and the garage area, the Zoning Administrator's letter advising what zoning relief is needed, a copy of the Zoning Administrator's worksheet, and the Application with Supporting Statement.

Relief Sought:

- Variance from Subsections 2001.3(a), (b), and (c) to allow an addition to a nonconforming structure.
- Special exception from Subsection 223.1 to allow a nonconforming rear yard.

The premises consist of a three-story brick building, the first floor of which until recently was occupied by a retail grocery store. The major façade of the building extends 39 feet along 11th Street, NE. The accessory garage is located facing 11th Street with access to the street via a curb cut and driveway. It is separated from the principal structure by about 6 feet. There is a 4-foot walk beside the garage at the end of the lot that may be an easement for access to 11th Street from buildings further west on D Street. The building is now being converted into a single-family residence. The garage is now roofless but the plat in file notes a "previously approved roof over existing garage."

BZA
Case No. 16606
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO.16606
EXHIBIT NO.19

The Application:

Applicant proposes to place a one-story, 96 square foot addition at the rear of the principal building so as to connect it and the garage.

The premises are nonconforming because existing lot occupancy is 85%. The proposed addition increases lot occupancy to 94%. The increase is impermissible under Section 2001.3, and can be done only if variance relief is granted.

The existing rear yard is approximately 26 feet in length, mostly taken up by the garage. If, however, the garage is connected to the house by the proposed addition, it will become part of the principal building and the only rear yard remaining will be the 4-foot walk at the end of the garage. Since the rear yard is required to be 20 feet in length, applicant is seeking a special exception under section 223.1.

Analysis of variance relief:

An applicant for a variance must demonstrate (1) that the property is unique, (2) that application of the zoning regulations to that unique property would result in an exceptional practical difficulty or undue hardship, and (3) that relief can be granted without impairing the zoning regulations and map.

(1) The property is not unique.

Applicant states that the lot is smaller than the standard 18-foot lot in the R-4 districts. This does not demonstrate uniqueness: Most lots in the neighborhood in particular and, more generally, on Capitol Hill are less than 18 feet wide. Lots with a width of 16 feet are common. The lot area of 1,039 square feet is small, but so are many other lots in the neighborhood. Examination of the map of the neighborhood included in the file demonstrates many such instances. In Square 963 immediately to the south lots 18 through 21 each have an area of 1,054 feet, lots 28 through 37 are about the same area as applicant's lot. There are others. We note that lots at or near corners tend to be small as the builders of yesteryear maximized the number of lots they could squeeze into a square. The corner lot in this application appears, at 65 feet in length, to actually be larger than the usual corner lot.

The Committee also considered whether the size and resulting lot coverage of the existing buildings constituted a unique circumstance. We do not believe that is the case. Not only, as noted above, do corner lots tend to be small, but the buildings on them tend to large and grander than their neighbors. These premises do not seem unusual in this respect.

Unless applicant can present information not now in the file that convincingly demonstrates some unique aspect of the premises the Committee believes the Board should find that this element of a variance has not been demonstrated.

(2) Applicant has not demonstrated a practical difficulty.

Assuming for the sake of argument that the applicant succeeds in demonstrating some unique aspect of the premises, the committee does not believe that the supporting statement demonstrates a practical difficulty. Applicant presents two arguments. First, access to the house from the garage without exposure to the outside is needed for personal safety and security. Second, the structure does not offer sufficient space for a traditional living room and kitchen. These arguments are directed to personal convenience, not to practical difficulty. Applicant has not demonstrated why a garage side door giving access to the rear door would not provide adequate security. According to our calculations, the first floor contains 624 square feet plus 165 square feet in the two bays for a total of 789 square feet. We do not understand why this amount of space cannot be divided so as to provide an adequate living room and kitchen.

Unless applicant can present information not now in the file that convincingly demonstrates a practical difficulty, the Committee believes the Board should find that this element of a variance has not been demonstrated.

(3) Zoning Regulations and Map.

Since the Committee felt that the applicant had not shown that the property was unique and had not shown practical difficulty or hardship, this third element of a variance was not discussed.

Special exception relief:

The Committee took no position on the special exception to allow a nonconforming rear yard.

We are pleased to submit these views for your consideration.

Lyle R. Schauer
Zoning Committee Chair