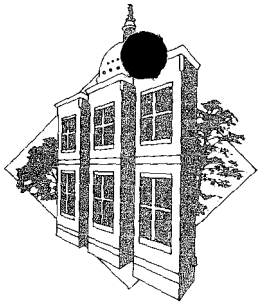
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CAPITOL HILL RESTORATION SOCIETY
PO BOX 15264 • WASHINGTON, DC 20003-0264 • 202-543-0425

BZA No. 16721
633 A Street, SE (Rear)
Square 870, Lot 833
Zone: R-4
Hearing Date: 06/26/01 AM

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 1,000. The Society's interest district is defined in its bylaws and includes the premises involved in this application.

The Zoning Committee of the Capitol Hill Restoration Society considered the application on June 6, 2001. The applicants were present along with their architect, William Gallagher, and several neighbors.

The application.

This application is advertised as seeking two variances: (1) from subsection 2001.3 to allow a second story addition to a nonconforming one-family dwelling, and (2) from subsection 2507.2 to allow the dwelling to be located on an alley that is less than 30 feet wide where it accesses a street.

This description is incorrect. The structure on this lot is a garage and is so described in the application (BZA Form 2). The garage is in use as an accessory building to the dwelling at 633 A Street, SE, a use that is intended to continue. The application, therefore, should be described as a second-story addition to a garage.

The application should seek an additional variance and a special exception:

1. A variance from subsection 2507.1, which prohibits conversion of an alley structure except for use as a one-family dwelling, and
2. A special exception from subsection 2516.1 to allow two principal buildings on one lot of record.

The premises.

The lot involved in this application is located on Brown's Court and is improved by a large one-story garage. Lot 833 abuts lot 832, on which the residence of the applicants is located (633 A Street, SE). The garage on lot 833 is used as an accessory building for 633 A Street, SE.

The one-family dwelling issue.

Applicants claim that the property will be used as a one-family dwelling, which is the only type of dwelling that can result from conversion of an alley structure. (Subsection 2507.1.) Since applicants will continue to use the garage as an accessory building to their residence, occupants of the apartment over the garage will not have exclusive use of the dwelling. (A one-family dwelling is defined "a dwelling used exclusively as a residence for one (1) family.") Exclusive

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use as a residence does not allow use of part of the building as an accessory garage for another dwelling.

The two principal buildings issue.

Lots 832 and 833 are "tax lots," that is, lots created for assessment and taxation purpose. These lots were created before 1919, when they appear on the Baist maps for the first time. They were apparently created from an underlying single lot of record. This application, therefore, will result in two principal building sharing a single lot of record. That is permissible only if approved as a special exception by this Board.

BZA No. 15448.

This application was for variances to allow erection of two row houses in Brown's Court about 10 years ago. The Society supported the application and this Board granted the relief requested. That application differs from this one in two major respects: The buildings are one-family dwellings, and they are on single lots of record. What position we would take if this application were similarly structured we cannot say, but that set of facts is not before us in this application.

Neighborhood concerns.

Several neighbors attended our Committee meeting and we have heard from others. There is a concern among our members living in vicinity of the premises that this application will increase density and will encourage other similar conversions of garages to residential use. As always on Capitol Hill, density equates to parking problems. In squares like 870, which have interior courts, density and parking are real concerns.

Hardship or practical difficulty not shown.

We do not believe that applicants can present a persuasive case for hardship or practical difficulty. A case for hardship would require showing that the property cannot be used for any residential purpose. Yet the property already is being used for residential purposes as an accessory building to a residence. An apartment above the garage has income potential, but the prospect of future income is not the basis for a finding of hardship. We are not aware of any claim of practical difficulty and think that would be difficult to show.

Thank you for your consideration of these comments.

Lyle R. Schauer
Zoning Chair