GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**Application No. 16860 of D.C. Department of Housing and Community Development**, pursuant to 11 DCMR § 3104.1, for a special exception from the location of parking spaces requirement under section 2116, and pursuant to 11 DCMR § 3103.2, a variance from the lot width requirements under section 401, a variance from the lot area requirements under section 401, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the off-street parking requirements under subsection 2101.1, for the construction of two single-family dwellings and 18 flats in an R-4 District at premises 1368 C Street, S.E., 264-274 Kentucky Avenue, S.E., 245-265 14th Street, S.E., and 1360-1364 C Street, S.E. (Square 1039, Lots 74 & 75).

Note: The Board determined that the applicant did not need variance relief from the off-street parking requirements under subsection 2101.1. The Board amended the application to include variance relief from subsection 2117.

**HEARING DATE:** April 23, 2002
**DECISION DATE:** April 23, 2002 (Bench Decision)

## SUMMARY ORDER

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3C, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to the application submitted a letter in support of the application. The Office of Planning submitted a letter in support of the application. The Capitol Hill Restoration Society submitted a letter in support of the application. The D.C. Department of Transportation submitted a memorandum stating no objection to the application.

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special


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exception from the strict application of the requirements of 11 DCMR §§ 3104.1 and 2116, and for variances under 11 DCMR §§ 3103.2, 401, 403, 404, 2117. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 for a special exception under Section 2116, which will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The applicant has also met the burden of proving under 11 DCMR §§ 3103.2, 401, 403, 404, and 2117, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

**SPECIAL EXCEPTIONS AND VARIANCES GRANTED:**

1. 245 – 14th Street, S.E. (Lot 96):

    a. Variance from minimum lot area requirement in § 401.3, to permit a 1,508 square foot lot; and

    b. Special exception under § 2116.5 to permit an open accessory parking space in the central parking area (Lot 85).

2. 247 –14th Street, S.E. (Lot 95):

    a. Variance from minimum lot area requirement in § 401.3, to permit a 1,524 square foot lot; and

    b. Special exception under § 2116.5 to permit an open accessory parking space in the central parking area (Lot 85).

3. 274 Kentucky Avenue, S.E. (Lot 81):

    a. Variance from minimum lot area requirement in § 401.3, to permit a 1,783 square foot lot;

b. Variance from § 403.2 to allow 65.7 percent lot occupancy, as calculated for the applicant's zoning computation sheets; and

c. Variance from § 404.1, to permit an 18.8 foot rear yard.

4. 1360 C Street, S.E. (Lot 82):

a. Variance from minimum lot area requirement in § 401.3, to permit a 1,565 square foot lot and from the minimum lot width requirement in § 401.3, to permit an irregularly shaped lot with a 9-foot rear lot line; and

b. Variance from § 403.2 to allow 61.4 percent lot occupancy, as calculated for the applicant's zoning computation sheets.

5. 1362 C Street, S.E. (Lot 83):

a. Variance from minimum lot area requirement in § 401.3, to permit a 1,606 square foot lot and from the minimum lot width requirement in § 401.3, to permit an irregularly shaped lot with a 9-foot rear lot line.

6. 1364 C Street, S.E. (Lot 84):

a. Variance from minimum lot area requirement in § 401.3, to permit a 1,632 square foot lot and from the minimum lot width requirement in § 401.3, to permit an irregularly shaped lot with a 13-foot rear lot line.

7. Rear of 1368 C Street, S.E. (Lot 85) (central parking area):

a. Variance from the minimum lot width requirement in § 401.3, to permit an irregularly shaped lot with a 10-foot wide street frontage; and

b. Variance from § 2117.8(c)(2), from the minimum 14-foot driveway width requirement.

It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS:**

1. The applicant shall file a copy of the plat approved by the Office of the Surveyor with the Board of Zoning Adjustment;

2. In the event the Office of the Surveyor requires any modifications in the Board-approved site plan, the applicant shall, pursuant to 11 DCMR § 3129, submit to the Board a request for modification of the site plan;

3. Before a building permit may issue, the applicant shall provide the Zoning Administrator with proof that the applicant has filed the approved Surveyor's plat with the Board and that the approved Surveyor's plat conforms with the Board-approved site plan, whether the plan approved in this order or in any modification order that the Board might issue;

4. The applicant shall provide one accessory parking space each for 245 and 247 14th Street, S.E., in the central parking area at the rear of 1368 C Street, S.E.; and

5. The applicant shall establish a 10-foot wide easement at the rear of the lots along 14th Street, S.E., (247, 249, 251, 253, 255, 257, 259, 261, and 263 – 14th Street, S.E., and 265 C Street, S.E.) for the benefit of all the property owners of the subdivided lots. The easement shall provide a 20-foot wide access drive to the required parking spaces for all the lots, with the exception of 274 Kentucky Avenue, S.E (which shall be provided a private garage accessed from C Street, S.E.). The applicant shall record the easement agreement with the Recorder of Deeds. Before a building permit may issue, the applicant shall provide the Zoning Administrator with a certified copy of the recorded easement agreement.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE:** **5-0-0** (Geoffrey H. Griffis, Anthony J. Hood, Anne M. Renshaw, Curtis L. Etherly, Jr., and David W. Levy to Approve).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**
Each concurring member has approved the issuance of this order.

**ATTESTED BY:** _____
**JERRILY R. KRESS, FAIA**
**Director, Office of Zoning**

**Final Date of Order:** MAY - 1 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

ms/rsn

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

**BZA APPLICATION NO. 16860**

As Director of the Office of Zoning, I hereby certify and attest that on MAY - 1 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

**ATTESTED BY:**
**JERRILY R. KRESS, FAIA**
**Director, Office of Zoning**