CAPITOL HILL RESTORATION SOCIETY
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BZA No. 16886
330 8th Street, SE
Square 924, Lot 826
Zone: R-4
Hearing Date: 06/18/02

June 15, 2002

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

The Capitol Hill Restoration Society SUPPORTS WITH CONDITION the above referenced application.

The Capitol Hill Restoration Society is a civic association representing 1,000 members. The subject premises are located within the Society's interest district, as defined in its bylaws, and in the Capitol Hill Historic District.

The Zoning Committee of the Capitol Hill Restoration Society considered the application on June 6, 2002. A quorum was present. The applicant was present; no one appeared in opposition. The Committee based its decision on the presentation by the applicant and on items in the BZA file. The Committee unanimously voted to support with condition. Under standing rules of the Board of Directors, this committee action becomes the position of the Society.

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Statement of Facts

The premises consist of a semi-detached single-family dwelling with an accessory building at the rear of the lot. Applicant stated that extensive termite damage in the rear of the dwelling makes major repairs necessary. In particular, the second story rear is in such poor condition that it cannot be used and, in fact, is boarded up. In connection with the work, applicant wishes to make a small addition, increasing lot coverage by about 80 square feet.[1] It is proposed that the addition will be two stories in height, replacing an existing one-story kitchen. Neighboring properties along 8th Street would not suffer adverse impact to light, air, or privacy. Properties to the east that front on 9th Street are separated from the premises by a considerable distance across a wide alley and intervening rear yards; a majority of those neighbors have indicated that they have no objection to the proposed addition.

[1] Because the side yard for this addition will be only 3.33 feet wide, it also counts for coverage, bringing the total increase of lot coverage to 104.30 square feet.

BZA
Case No. 16886
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16886
EXHIBIT NO.28

The structure is nonconforming. A single-family dwelling, in the R-4 zone is limited to 40 percent lot occupancy. The present structure covers about 55 percent of the lot, and the proposed addition will result in lot coverage of 60.7 percent.

The accessory building at the rear is designated "Existing garage" on Applicant's Site Plan. It is not a garage and could not presently be used as a garage. When Applicant purchased the property, the "garage" was an illegal apartment. Applicant indicated that the tenant left some time ago and that he has not attempted to rent the apartment, nor does he intend to. However, a bathroom and a rudimentary kitchen still exist in the "garage."

Description of Zoning Relief Sought

Three variances are needed:

Sec. 403 Lot occupancy. These premises are limited to 40 percent lot occupancy. The proposed addition will result in 60.7 percent lot occupancy.

Sec. 405 Side yard requirement. Side yards must be at lease 8 feet in width. The proposed addition will have a side yard that is only 3.33 feet in width.

Sec. 2001 Addition to an existing nonconforming structure.

Applicant meets requirements for the variances

The property at 330 8th Street, SE is improved with a semi-detached dwelling. The rear of this dwelling is in very poor structural condition to the point that the second story rear cannot be used. This seems to the Committee to constitute an exceptional condition of the property that meets the "uniqueness test" for a variance.

Clearly, the condition of the dwelling creates a practical difficulty in using the property for residential purposes.

Neighboring properties will not be substantially adversely affected by the proposed addition and the Committee believes that the variances can be granted without impairing the intent of the zone plan.

Approval should be conditioned

The Committee is aware that the accessory building at the rear of the property has been used until recently as an illegal apartment and that the building cannot presently be used as a garage. We, therefore, believe that, if the Board approves this application, a condition should be added that the illegal apartment be removed.

We are pleased to submit these views for your consideration.

Lyle R. Schauer, Chair, Zoning Committee