GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15057 of Rouzbeh E. Mazanderan, pursuant to 11 DCMR 3107.2, for a variance from the lot width and area requirements (Sub-section 401.3) for the proposed construction of a single-family dwelling in an R-4 District at premises 1627 Marion Street, N.W., (Square 444, Lot 131).

HEARING DATE: May 24, 1989
DECISION DATE: July 5, 1989

FINDINGS OF FACT:

1. The subject site is located on the east side of Marion Street, N.W. between Q Street and Rhode Island Avenue and is known as premises 1627 Marion Street, N.W. The site is in an R-4 District.

2. The subject lot is currently vacant and totals 1,552.27 square feet in area. There is a 20-foot wide public alley abutting the rear of the subject property to the east. There are row houses on both sides of the lot.

3. The area surrounding the subject site is characterized as having primarily residential development in the form of row houses and small apartment buildings. Commercial uses are interspersed throughout the general area particularly along 7th Street, N.W. The Asbury Dwellings apartment building and parking lot are located within the next block to the west of the subject property.

4. The R-4 District permits matter-of-right development residential uses (including detached, semi-detached and row single-family dwellings and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of sixty percent, and a maximum height limit of three stories/forty feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

5. The applicant proposes to construct a single family dwelling on the vacant lot. The structure will be made of brick and will contain two stories and an English-type basement. The building will share a common wall with houses on either side.

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6. The applicant plans to rent the basement and to live in the upper levels of the house. There are plans to resurface the area in the rear of the house and park in this off-street space. There will be no garage.

7. The Office of Planning ("OP"), by report dated May 17, 1989, and through testimony at the hearing recommended approval of the application. The OP noted that the subject property is 1,552.27 square feet in area or 247.73 square feet less than the minimum lot area requirement of 1,800 square feet for the R-4 District. In addition, the subject lot is 17 feet wide or 1 foot less than the minimum requirement of 18 feet for this zone district. The subject lot was subdivided before the current Zoning Regulations became effective. Consequently, the lot does not meet the lot width and area requirements for the R-4 District. The applicant is, therefore, requesting an area variance of 247.73 square feet and a one-foot (1') variance from the width of lot requirements. The proposed plan does, however, meet all remaining R-4 District regulations. The OP is of the opinion that because of the existing width and area of the lot, the applicant is faced with a practical difficulty resulting from existing lot area constraints which create a burden on reasonably developing the property. In addition, the applicant is unable to add land area to the existing lot in order to comply with the R-4 District regulations in terms of lot width and area.

8. The Office of Planning believes that the proposed construction of a single dwelling will not create negative impacts upon surrounding properties or the neighborhood, in general, relative to air quality, adequate light, or environmental quality. The proposed dwelling is in keeping with the type of residential development that currently exists in the neighborhood. The OP, however, expressed concern about the design of the proposed row dwelling in that it does not appear to be compatible with the existing residential structures in the neighborhood which are highly articulated, detailed and strongly victorian in character. The facade of the proposed dwelling is plain and lacks articulation and distinctive character. The OP concluded, however, that the proposed dwelling will not impair the intent of the R-4 District regulations and will help stabilize the area as well as provide additional housing opportunities in the city.

9. Advisory Neighborhood Commission ("ANC") 2C voted to support the application contingent upon the applicant being required to construct a facade that will be complementary to and compatible with the existing row dwellings in the neighborhood. Also the ANC would like the applicant to construct a building with a mass and footprint similar to that which formerly occupied the site, as the applicant indicated he intended to do. The Board concurs with the position of the ANC.

10. Two neighbors, one residing at 1611 Marion Street and the other residing next door to the site at 1629 Marion Street, testified in opposition to the application. Their major concern was that the design of the proposed house would be inconsistent and incompatible with the other houses on the block. These houses were described as two-story with basement victorian-Style row houses with archways, windows, doors and some stained glass. They pointed out further that these houses have airways for good circulation between the houses and that none of the houses contains an English-type basements. The opponents objected to the design proposed by the applicant which they described as too simplistic and bland because it lacked the detail of the nearby houses. In their opinion, the proposed design would be incompatible with the historic design of their neighborhood. They were also concerned that having a rental unit would create parking congestion in the area.

11. Pursuant to the Board's request, the applicant submitted revised plans with a design that is more compatible with the other houses on the block. The resident at 1611 Marion Street supported the revised plans.

12. A letter of support and a petition supporting the application were submitted into the record. A petition in opposition was also received.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking variances from the lot width and area requirements of the Zoning Regulations. Granting such variances requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has met this burden of proof. The subject lot was created prior to the existing Zoning Regulations becoming effective. The Board concludes that the subject lot is located between two row houses and cannot be expanded in either direction. Any construction must be done within the area presently existing. The Board concludes that this condition creates a practical difficulty for the applicant in developing the property consistent with the Zoning Regulations.

The Board concludes that the structure, as designed in the applicant's revised plans, will be compatible with the other houses on the block. The Board is, therefore, of the opinion that the requested variances may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board has accorded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 24 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Maybelle Taylor Bennett to grant by proxy).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 27 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15057order/LJP54

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION No. 15057

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated OCT 27 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

DATE: OCT 27 1989