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Board of Zoning Adjustment
District of Columbia
CASE NO. 17108
EXHIBIT NO. 31A2

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13144, of Elliot Street Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot width and lot area requirements (Sub-section 3301.1) and to allow a proposed subdivision (Sub-section 1302.2) for a proposed subdivision and conversion of an existing apartment house into three row dwellings in an R-4 District at the premises 614-618 Ellicot Street, N.E., (Square 1028, Lots 818 and 825).

HEARING DATE: January 16, 1980
DECISION DATE: January 16, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The application was amended at the public hearing to reflect the true name of the applicant as Elliot Street Associates rather than Elliot Street Association as it had been filed and advertised.

2. The subject property is located on the west side of Elliot Street between Maryland Avenue and F Street, N.E. and is known as 614-618 Elliot Street, N.E. It is in an R-4 District.

3. The subject site is improved with a two story apartment house with rear screen porch additions containing eight dwelling units. The improvements are vacant. They have been gutted. The improvements were constructed about 1942.

4. The applicant proposes to subdivide the lots and to convert the apartment house into three row dwellings and sell the units in fee simple.

5. To the north of the subject property is Maryland Avenue followed by occupied single family row houses. To the east is Elliot Street followed by single family row houses. To the south is F Street followed by more single family row houses and apartment buildings. To the west is a twenty foot wide public alley followed by a large Baptist Church and several single family row houses to the further west.

6. The conversion will include removal of staircases, the erection of party walls within each and a provision for an interior staircase on each side of the party wall. It will also include one off-street parking space for each dwelling unit.

7. The interior layout of each of the proposed dwelling units will consist of a living room, dining room, family room and kitchen and a half bath on the first floor and three bedrooms and two full baths on the second floor.

8. The subject lots were originally three seventeen foot wide building lots. They were subdivided. A rear section of the lots, Lot 816,was improved with a garage and the subject apartment house was constructed on the front of the lots. The subject apartment house occupies approximately fifty-four percent of Lot 825.

9. Sub-section 3301.1 of the Zoning Regulations requires that a row dwelling in an R-4 District have a minimum lot area of 1,800 square feet and a minimum lot width of eighteen feet.

10. The applicant seeks a variance of 180.5 square feet from the lot area requirements and 1.32 feet from the lot width requirements for the proposed dwelling at 614 Elliot Street and a lot area variance of 168 square feet and a lot width variance of one foot for the proposed dwelling at 616 Elliot Street dwelling. No area variances are required for the proposed dwelling at 618 Elliot Street.

11. Both the east and west sides of the subject Elliot Street ar undergoing restoration.

12. The Capitol Hill Restoration Society by letter of January 15, 1980 recommended that the application be approved. It stated as follows:

> "The Capitol Hill Restoration Society supports these variance applications. Although the applicant could subdivide the existing structure into two single family homes, and comply with the Zoning Regulations, the Society believes that requiring it to do so would result in significant practical difficulty. The majority of the homes on Elliot Street where the the property is located, are less then seventeen feet wide. If the applicant converted the apartment house to only two homes, each house would be approximately twenty-five feet wide. Such wide houses would be inconsistent with the surrounding neighborhood.

Members of the Zoning Committee spoke with several neighbors who either had no objection to the variances or supported them. One neighbor expressed a preference for the construction of two, rather than three, homes because she believed that two homes would be better constructed than three and would sell more easily. The Society does not believe that the number of houses will control the quality of construction or marketability of the homes. In addition, the Society does not believe the neighborhood would be well served by having two houses that are unusually wide. Finally, the Society does not consider housing design to be a zoning issue.

Because the Society finds that the applicant's proposal reflects an effort to develop housing consistent with the character of the neighborhood in which the property is located, and to make productive use of an existing structure, the Society urges the Board of Zoning Adjustment to grant the variance applications."

Other than the comment that housing design is not a zoning issue, the Board concurs with the recommendation of the CHRS.

13. There were some twenty-five signatures on a petition from residents on Elliot Street in favor of the application.

14. There was no objection to the application.

15. Advisory Neighborhood Commission - 6A made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the variances requested are area variances, the granting of which requires a showing of a practical difficulty stemming from the property itself: The Board notes that lot 825 is fifty-one feet wide and that it is already improved with a structure. The applicant proposes to make use of the existing structure by converting it into three row dwellin The Board concludes that the narrowness of lot 825 and the presence of a structure upon it constitutes the practical difficulty. In addition, the Board concludes that the variances are minimal. The Board further notes that the lot width conforms to the other existing lots on the same street.

Findings No. 11, 12 and 13 reflect the community support for the application. The Board also notes that parking will be on-site in the proposed construction thus relieving any on-street parking impact. The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Charles R. Norris and Leonard L. McCants to GRANT; Connie Fortune not prese not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 19 FEB 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 MONTHA AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCU IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12947, of Deanwood Properties, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance allowing a subdivision of one lot into two lots not meeting the lot width requirements (Sub-sections 1302.2 and 3301.1) to convert a four unit apartment house into two single family row dwellings in an R-4 District at the premises 1165-67 Neal Street, N.E. (Square 4065, Lot 27).

HEARING DATE: June 13, 1979
DECISION DATE: June 13, 1979 (From the Bench)

FINDINGS OF FACT:

1. The subject property is located on the south side of Neal Street, between West Virginia and Montello Avenues, N.E. The site is in the R-4 District and is known as 1165-67 Neal Street, N.E.

2. Record lot 27 actually consists of two assesment and taxation lots, 800 and 801. That portion of lot 27 which is also known as lot 800 is the subject of this application.

3. Lot 800 is thirty-two feet wide, 150 feet deep, and contains 4,800 square feet of area. It is improved with a two story, four unit apartment building which is currently unoccupied

4. Lot 801 is located to the east of the apartment building, is eighteen feet wide, 150 feet deep and contains 2700 square feet. It is vacant. Lot 801 is a conforming R-4 lot and no variances are required to construct a rowhouse or flat thereon.

5. The existing building on lot 800 covers the full width of the lot. The applicant proposes to subdivide the lot and convert the existing four unit apartment building into two single family row dwellings which will be sold for individual ownership.

6. Each of the proposed lots for the row dwellings would have 2,400 square feet of area and would be sixteen feet wide. The Zoning Regulations require a maximum of 1,800 square feet of area and eighteen feet in width for a row dwelling in an R-4 District. The applicant therefore requires a variance of two feet from the lot width regulations.

7. The area in which this site is located is predominantely residential in use. Row dwellings predominate. There are, however, small apartment buildings scattered throughout the neighborhood. The R-4 District in this area extends from Gallaudet College to the west, Florida Avenue to the south, Bladensburg Road to the east and Mt. Olivet Road to the north.

8. The majority of the surrounding row houses are two stories high and are well maintained. Wheatly Elementary School is located at Montello Avenue and Neal Street and Holy Name School is located at West Virginia Avenue and Neal Street, N.E., Gallaudet College is located west of West Virginia Avenue.

9. The Office of Planning and Development, by memorandum dated June 7, 1979 and by testimony at the public hearing, recommended that the application be granted. The Office noted that the proposed subdivision will create two lots which will exceed the minimum lot area requirements of the R-4 District by one-third. The rear yards for each of the proposed dwellings will be nearly eighty feet deep. The only requirement that cannot be met is the eighteen foot lot width. The two lots will each be sixteen feet wide, a deficiency of only eleven per cent for each lot. The Office of Planning and Development reported that the creation of two, single family, owner occupied dwellings as proposed by this application will result in a use which is more in keeping with the character of the immediate neighborhood and in keeping with District policies which encourage home ownership than the former use. The OPD did not believe that the granting of this variance will result in any undue adverse impacts The Board so finds. The Office of Planning and Development also recommended the applicant provide one off-street parking space for each of the proposed row houses.

10. The applicant testified that the presence of an alley at the rear and the depth of the rear yards made it possible to provide an off-street parking space for each lot and that he would do so. No parking is required for each dwelling, since the intensity of the use on the site is being decreased.

11. There was no report from Advisory Neighborhood Commission - 5B.

12. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record and the findings of fact, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of the property. The Board concludes that the existing width of lot 800 and the presence of the existing building on the lot create such a practical difficulty. The Board concludes that the requested lot width variance is minimal, that all other requirements of the Regulations are being complied with, and that approval of the application would be in keeping with the existing character of the area and District policies to encourage home ownership. The Board concludes that approval of the application will not cause substantial detriment to the public good and will not substantiall impair the intent and purposes of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the Application be GRANTED.

VOTE: 4-0 (William F. McIntosh, Chloethiel Woodard Smith Leonard L. McCants and Charles R. Norris to GRANT; Walter B. Lewis not present, not voting).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 14 AUG 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE ABD 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 LICENSES, INVESTIGATIONS, AND INSPECTIONS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 12973 of Bart Bren, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against the subdivision of one lot into two lots not meeting the lot area and lot width requirements (Sub-sections 1302.2 and 3301.1) and from the parking space requirements (Subsection 7202.1) for a proposed subdivision and conversion of two four unit apartment houses into four single family dwellings constituting three row dwellings and one semi-detached dwelling in an R-4 District at the premises 1229-1235 D Street, N.E., (Square 1008, Lots 113 and 114).

HEARING DATE: July 18, 1979
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject properties are located on the south side of D Street, N.E., between 12th and 13th Streets. They are in an R-4 District.

2. The majority of dwellings in this area are row dwellings. There are also a substantial number of two, three and four story apartment buildings in the vicinity. The R-4 District in which this property is located covers most of the Capitol Hill area. A small C-2-A District is located between 13th and 14th Streets east of the site, and the H Street Benning Road commercial center is located approximately four blocks to the north.

3. The applicant proposes to convert two existing four unit apartment buildings into four single family dwellings constituting three row dwellings and one semi-detached dwelling.

4. The proposed subdivision of Lot 113 on which premises 1229 and 1231 stand and Lot 114 on which premises 1233 and 1235 stand will require area variances as follows:

Address	Lot Area Variance	Lot Width Variance
1229 D St.	360 Sq. Ft.	2.05 Ft.
1231 D St.	360 Sq. Ft.	2 Ft.
1233 D St.	360 Sq. Ft.	2 Ft.
1235 D St.	907.50 Sq. Ft.	6.75 Ft.

There is no way for the applicant to add to the width or area of the lots.

5. A parking variance of one space is also requested for 1231 D Street.

6. Premises 1235 D Street is classified as a semi-detached dwelling since the eastern face of the existing building does not coincide with the property line. The lot is 2,325 feet wide and has an area of 2,092.50 square feet. If based upon the standards for row dwellings in the subject R-4 District, this is the only lot of the four which would meet or exceed the requirements.

7. Each of the subject dwellings has a rear yard over thirty feet deep and contains a shed in the extreme rear of it's lot. Premises 1235 D Street also has a rear garage. A ten foot wide public alley borders the rear of the properties. A fifteen foot wide public alley runs along the west of the properties.

8. The applicant testified at the public hearing that he proposes to put a concrete parking slab nine by nineteen feet in each of the rear yards to accommodate one automobile. The sheds will be demolished. These parking arrangements do not show on the plats or plans submitted by the applicant. The application was advertised to reflect a variance from the parking space requirements of Sub-section 7202.1. The Board finds that since parking will be provided for each unit, no such variance is required.

9. The Office of Planning and Development, by report dated July 10, 1979, recommended that the application be approved. The OPD noted that the application contemplates the conversion of two existing four unit apartment buildings into four single family dwellings. The use of this property for single family, owner-occupied dwellings is an appropriate use of this property and one which is in keeping with the city's policy of encouraging homeownership opportunities. The proposed dwellings would also be compatible with the low density residential character of the neighborhood. The OPD further noted that all of the variances requested for the proposed dwellings are area variances. It stated that there is no practical means of complying with the lot width and lot area requirements of the proposed lots at 1229, 1231 and 1233 D Street, N.E. and that the granting of these variances can be accomplished without adversely affecting the light air and ventilation of the subject premises or adjoining properties The Board so finds.

10. Advisory Neighborhood Commission 6A made no recommendation on the application.

11. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty arising from the property itself. The Board concludes that the configuration of the existing properties results in the undersized lot width and area and is the practical difficulty. There is no way that the applicant can add to the structures already existing on the lot. The applicant plans to gut the buildings and restore them to a viable condition that would enhance them and the neighborhood. The Board found in Findings of Fact Nos. 6 and 9 that the proposed use of the building is appropriate for the buildings, the neighborhood and District of Columbia Housing programs. In addition the variances are minimal.

The Board further concludes 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. Accordingly, it is ORDERED that the application is GRANTED.

Vote: 4-0 (William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to grant).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 PRODECURE 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 LICENSES, INVESTIGATIONS, AND INSPECTIONS.