

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - February 17, 1971

Appeal No. 10660 Robert E. Hess III, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, with Samuel Scrivener, Jr. absent, the following Order of the Board was entered at the meeting of February 23, 1971.

EFFECTIVE DATE OF ORDER - March 24, 1971

ORDERED:

That the appeal for variance from the requirements of Section 3305.4 to permit a greenhouse addition to dwelling at 624 C Street, SE., Lot 49, Square 872 or in the alternative an appeal from the decision of the Zoning Administrator that the proposed addition does not comply with the requirements of Sub-section 3305.4, be sustained in the alternative.

FINDINGS OF FACT:

1. The applicant proposes to construct a greenhouse at the rear of a row dwelling in the R-4 District. The greenhouse is to be located at the first floor level with a masonry basement underneath; will extend 6 feet 8 1/4 inches beyond the existing back wall of the dwelling; and have a proposed width of 11 feet 10 7/8 inches.

2. The lot is 13 feet wide and a space 6 and a fraction inches would remain between each side wall and the property line.

3. On November 17, 1970 the Zoning Commission, District of Columbia, placed a number of amendments to the D.C. Zoning Regulations into effect. Among them was a new provision related to the side yard to be known as paragraph 3305.4 and to read as follows:

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"In R-2, R-3, R-4 and R-5 Districts when a one family dwelling, flat or multiple dwelling is erected which does not share a common division wall with an existing building or a building being constructed together with the new building then it shall have a side yard on each resulting free standing side."

4. There was no opposition to this appeal and support came from the Capitol Hill Restoration Society.

OPINION:

It is the opinion of the Board that new paragraph 3305.4 would permit the addition with minor modifications but that the applicant has not sustained a variance of the Zoning Regulations and further the property has been and can continue to be used in accordance with the Zoning Regulations including new paragraph 3305.4.

We are further of the opinion that since this is an existing row house, no side yard can be required and if the side walls of the addition are setback from the property line, such a setback must be considered as creating an open court and comply with the court requirements of the Zoning Regulations.

The owner may thus make an addition to this property basically as proposed provided the side walls of the addition are extensions of party walls or are lotline walls. If there is to be any space between the side lot lines and the side wall, that space must be in accordance with the court requirements of Section 3306. The owner thus has the choice of redesigning the addition to comply with the regulations as interpreted here recognizing that if he chooses to employ either a lotline wall or a party wall, it will need to be designed in accordance with the Building Code.

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

ATTESTED:

By: _____

PATRICK E. KELLY
Secretary of the Board

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THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.