Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - February 17, 1971

Appeal No. 10663 Donald DeHaven, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and 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 - April 20, 1971

ORDERED:

That the appeal for variance from the requirements of Section 3305.4 to permit lot line wall on property line at 3409 Quebec Street, NW., Lot 86, Square 2063, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-2 District.

2. The development consists of a single family residence. The proposed rear addition will have one 8 foot side yard and a lot line or party wall on the other side.

3. The appellant proposes to make two additions to the existing structure as follows:

[a] Replace existing front porch with a two story addition having smaller dimensions of 4 1/2 feet in depth and 11 feet in width.

[b] Replace existing rear porch with a new larger two story addition in which the house is 15 feet deep on the first floor, 17 1/2 feet on the second floor.

4. These proposed additions could be made as a matter of right prior to the November 17, 1970 amendments to the Zoning Regulations including:

> [3305.4] "In R-2, 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."

5. The record contains mixed opposition and support from neighboring property owners.

OPINION:

The opinion of the board of the variance as requested is not necessary since the proposed additions are in keeping with our interpretation and understanding of new Paragraph 3305.4. Therefore, the appeal should be considered granted in the alternative as an appeal from decision of the Zoning Administrator.

Paragraph 3305.4 states "When a one-family dwelling, flat or multiple dwelling is erected", we interpret this language as referring to new buildings whereas subject improvements are additions to an existing building. Also "which does not share a common division wall within existing buildings or a building being constructed together with the new building." This is not a new building but an existing building that shares a common division wall with an existing building.

We do not believe that it was the intent of the Zoning Commission to require a common division wall dividing 2 abutting buildings to extend to the full depth of the building or their additions for to do so would impose undue architectural rigidity and restraint. We also note our opinion in Appeal No. 10660 that to set back either of these proposed additions would create a court and not a side yard.

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

ATTESTED:

By: _____
PATRICK E. KELLY
Secretary of the Board

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.