

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12537, of Stelletta Stapleton Renchard, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against making an addition to a structure which exceeds the height limits (Paragraph 7107.21) and from the maximum height in feet and number of stories (Sub-section 3201.1 and Paragraph 7107.23) to permit an addition to the fourth floor of a dwelling which is a non-conforming structure in the R-3 District at the premises 1743 - 22nd Street, N.W., (Square 2515, Lot 814).

HEARING DATE: December 13, 1977
DECISION DATE: December 13, 1977 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of 22nd and S Streets, N.W., and is known as 1743 - 22nd Street, N.W. It is in an R-3 District.
2. The subject lot is approximately 6,303 square feet in area and is improved with a three story single family dwelling with a roof garden.
3. By Board of Zoning Adjustment Order No. 454, dated June 11, 1941, permission was granted to construct the existing roof garden.
4. The existing roof garden structure exceeds the forty foot height limitation of the R-3 District. It is constructed principally of wood, has no enclosing walls and has a metal roof.
5. The applicant proposes to enclose, heat and air condition the existing roof structure so that it may be used during the entire year.
6. The area to be enclosed totals approximately 270 square feet of open floor area and two storage closets. The height of the entire structure would be forty-two feet high (measured to the bottom of the ceiling of the roof structure) and would exceed the forty foot height limitation by two feet.

7. The structure would be considered a fourth story. Three stories only are permitted in the R-3 District.

8. The structure is visible from the ground only on the S Street side of the property.

9. The area of the roof covered by the structure is approximately one-quarter of the total area of the house.

10. The Municipal Planning Office by report, dated December 9, 1977, recommended approval of the application provided that construction proceeds according to plans submitted to and reviewed by the BZA.

11. Approval of the application was recommended by the Dupont Circle Citizens Association, the Sheridan Kalorama Neighborhood Council and adjoining property owners.

12. Advisory Neighborhood Commission, 1D recommended approval of the application on the conditions that the change is limited to the enclosure of the existing structure and that there will be no enlargement or addition to the present structure.

13. There was no opposition to the application.

CONCLUSIONS OF LAW:

The Board of Zoning Adjustment notes that the fourth story addition to the subject property was made with its approval in 1941 and that the applicant does not now propose any substantial change regarding the use of the addition. The Board is of the opinion that there appears to be no adverse affects on light and air to neighboring properties which would result by the granting of this application.

The subject structure is relatively small in area, is not intended to serve as living space and would look much the same as it now does after the proposed alterations. The lot area of this property is more than fifty per cent in excess of the minimum required in an R-3 District. Such a condition would reduce the possibility of adverse affects on adjoining and nearby properties. Accordingly, it is ORDERED that the application is hereby GRANTED.

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

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

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

FINAL DATE OF ORDER: 30 DEC 1977

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 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFYER THE EFFECTIVE DATE OF THIS ORDER.