

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12570, of Mr. & Mrs. Jeremiah Norris, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against making an addition to a non-conforming structure (Paragraph 7107.21) from the side yard (Sub-section 3305.1 and 7107.2), lot occupancy (Sub-section 3303.1 and Paragraph 7107.23) and open court requirements (Sub-section 3306.1 and Paragraph 7107.22) to permit a third story addition and a deck to a dwelling which is a non-conforming structure in the R-1-B District at the premises 3708 Massachusetts Avenue, N.W., (Square 1815, Lot 84).

HEARING DATE: January 25, 1978

DECISION DATE: January 25, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the southwest side of Massachusetts Ave., N.W., and is in an R-1-B District.

2. The subject lot is approximately 2819 square feet in area and is improved with a two story, semi-detached brick residence. The lot is a through lot having slightly more than twenty four feet of the rear lot line fronting on Cathedral Ave., N.W. Approximately twelve feet of the rear of the lot borders a sixteen foot wide public alley.

3. There are two detached and five other semi-detached residences on the southwest side of Massachusetts Avenue between Cathedral Avenue and Klinge Place. To the rear of the property are both detached and semi-detached dwellings which are located in an R-2 District. Semi-detached dwellings are not permitted in an R-1-B District.

4. The subject property is already non-conforming regarding the minimum lot area, lot width and side yard requirements of the R-1-B District.

5. The applicant seeks permission to construct a third story addition to his dwelling which he will use as a guest room and recreational room and personal office.

6. The proposed third story addition would increase the existing non-conformity by expanding the lot occupancy by 29.22 square feet, or 2.59 per cent. The addition would have no side yard on the same side as the present structure has no side yard.

7. There would be an exterior deck addition at the rear of the house, creating the need for a variance from the open court width requirement. The deck extends along the rear of the addition and measures 4' X 17' - 4". The deck would be only two feet from the side lot line. The width of an open court must be a minimum of six feet, requiring a variance of four feet.

8. The house next door, 3710 Massachusetts Ave., N.W., to which the subject house is attached has a rear addition. The applicant's proposed addition will be in the same proportion as the neighbor's and will not affect the light and ventilation of the neighbor's dwelling.

9. The applicant testified that he reviewed his plans with neighbors and that they voiced no objections.

10. There was no opposition to the application.

11. The Municipal Planning Office, by report dated January 20, 1978, recommended approval of the application on the grounds that the subject neighborhood reflects the type of dwelling more appropriate for the R-2 District. The houses were built as semi-detached structures and not R-1-B detached structures. The R-1-B regulations govern even though the subject property and those adjacent to it are more closely R-2 properties. Also, the variances are minimal and could be granted without any adverse affects an neighboring property. The Board so finds.

12. Advisory Neighborhood Commission 3C filed no recommendation on the application.

#### OPINION AND CONCLUSIONS OF LAW

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that the width of the lot and the existing semi-detached dwelling on that lot combine to create such a practical difficult for the applicant. The Board concludes that the addition proposed would be in harmony with the construction and use of adjoining properties, and that the building would be essentially similar to existing semi-detached dwellings in the area in both the R-2 and R-1-B Districts.

The Board concludes that the proposed addition will not cause any adverse environmental affects to nearby and adjoining properties and the area variances requested in this case are slight and can be granted without impairing the intent, purpose, and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

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

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

23 FEB 1978

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 AFTER THE EFFECTIVE DATE OF THIS ORDER.