

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12632 of Leo Thomas and Dorothy B. McGarrity, pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the percentage of lot occupancy (Sub-section 3303.1 and Paragraph 7107.23), rear yard (Sub-section 3304.1 and Paragraph 7107.22) and open court (Sub-section 3306.1 and Paragraph 7107.22) requirements to permit a rear addition to dwelling, which is a non-conforming structure in the R-2 District at the premises 615 Farragut Place, N.E., (Square 3776, Lot 37).

HEARING DATE: April 19, 1978

DECISION DATE: April 19, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in the R-2 District on the south side of Farragut Place, N.E., between 6th Place and South Dakota Avenue.

2. The subject site is presently improved with a two story and basement brick structure, which is a semi-detached dwelling.

3. The existing structure presently has three bedrooms and bath facilities on the second floor. The first floor consists of a living room, dining room and kitchen.

4. One of the applicants, due to an accident, is now a quadraplegic and is limited to the first floor of the house. The applicant proposes to construct a first floor rear addition to add a bedroom and bath facilities, and a ramp for entrance and exit. There is medical evidence on file to support the applicant's request.

5. The subject property is located in an R-2 zone, which requires a minimum rear yard of twenty feet. The applicant proposes to provide thirteen feet, thus requiring a variance of seven feet. The maximum lot occupancy permitted is 661.67 square feet. The applicant proposes to provide 866.50 square feet. Thus a variance of 204.83 square feet or thirty-one percent is required.

6. With the rear addition, the applicant creates an open court on the west side. The Regulations require that an open court be at least six feet in width. The applicant proposes to provide three feet. Thus a variance of three feet is required.

7. There was no Advisory Neighborhood Commission report on this application.

8. There was support of the application from the adjoining and nearby property owners, including the abutting owners on each side.

9. Without the granting of the requested variances, the applicants would be forced to convert the dining room into a permanent bedroom and live without the convenience of bathroom facilities.

10. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing findings of fact and the evidence of record, the Board is of the opinion that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board, in its exercise of reasonable discretion, concludes that a practical difficulty would be imposed upon the applicants should they not be allowed to have a bedroom and a bathroom equipped with necessary shower facilities available on the first floor of the house. Based on the unanimous support from neighboring property owners, the Board further concludes that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purposes and integrity of the zone plan. It is therefore ORDERED that this application is hereby GRANTED.

VOTE: 3-0 (Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant).

FINAL DATE OF ORDER: 21 APR 1978

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

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THAT THE ORDER OF THE BOARD IS VAILD 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.