

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12657, of Anita Isicson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against making an addition to a non-conforming structure which now exceeds the floor area ratio and lot occupancy requirements (Paragraph 7107.21) and from the lot occupancy (Sub-section 3303.1 and Paragraph 7107.23 and floor area ratio (Sub-section 3302.1 and Paragraph 7107.23) requirements to permit a rear deck addition to an apartment building which is a non-conforming structure in the R-5-A District at the premises 2315 - 40th Street, N.W., (Square 1810, Lot 224).

HEARING DATE: May 24, 1978  
DECISION DATE: May 31, 1978

FINDINGS OF FACT:

1. The subject property is located on the east side of 40th Street, N.W., between Benton and Calvert Streets, and is in an R-5-A District. There are sixteen foot public alleys to the rear and to the south of the site.
2. The subject structure is a two story high apartment building with two apartments on each floor. The rear of the building is provided with an enclosed porch with glass windows and a wood frame staircase going to the second floor. The applicant is in the process of renovating the property.
3. The applicant has proposed to provide a deck around the porch at the second floor and a patio below the deck at the first floor. The proposed deck will extend in line with the exterior side walls of the existing structure, and project three feet from the rear of the existing porch, but not beyond the present staircase. The staircase will be relocated from its present perpendicular position in the middle of the structure and will run parallel to the rear of the house.
4. The subject structure which was built prior to May 12, 1958 is presently non-conforming in that it exceeds the lot occupancy and floor area requirements in the R-5-A District. The overall lot occupancy after the proposed deck addition is constructed, will exceed the permitted forty per cent lot occupancy by approximately thirty seven per cent. The floor area ratio will exceed the permitted 0.9 by approximately six per cent. The increase in the existing non-conformity due to the proposed deck addition will be minor.

5. The street block on which the subject property is located, is developed on both sides with buildings similar to the subject building which have similar porches in the rear. The lot sizes are also similar.

6. The property is located at the boundary of an R-5-A area adjoining a large R-3 area to the east and the south. The R-3 area is developed predominantly with row houses and the R-5-A area is developed with R-5-A type apartment buildings. Some structures in the area have sun decks in the rear.

7. There was no opposition to the application at the public hearing. There was a petition with twelve signatures of neighboring residents in the record, in favor of the application.

8. The Municipal Planning Office, by report dated May 22, 1978 recommended approval of the application on the grounds that the proposed deck is not likely to adversely affect the adjoining properties and that the increase in the existing non-conformity of the building will be minor. The Board so finds.

9. Advisory Neighborhood Commission 3B, filed no recommendation on the application.

CONCLUSIONS OF LAW:

The applicant seeks area variances, the granting of which requires a showing of a practical difficulty stemming from the property. The subject structure was erected prior to the effective date of the current Zoning Regulations and exceeds the lot occupancy and FAR requirements of the current Zoning Regulations. The variance sought is minor and the practical difficulty is inherent in the size of the property and the size of the existing building. The Board concludes that, based on the record, the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith, John G. Parsons 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

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FINAL DATE OF ORDER: 21 JUN 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.