

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12797 of Geneva L. Miller, pursuant to Paragraph 8207.11 of the Zoning Regulations for variance from the percentage of lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and closed court area and width requirements (Sub-section 3306.1 and Paragraph 7107.22) to permit a rear addition to a row dwelling which is a non-conforming structure in an R-4 District at the premises 633 Constitution Avenue, N.E., (Square 867, Lot 839).

HEARING DATE: November 15, 1978

DECISION DATE: November 15, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Constitution Avenue between Massachusetts Avenue and 6th Street, in an R-4 District and is known as 633 Constitution Avenue, N.E.

2. The subject property is rectangular in shape and is approximately 1368 square feet of land area, and is topographically flat.

3. The property is 14.26 feet wide and is developed with a two story frame and stucco row dwelling.

4. The applicant proposes the construction of a rear two story brick addition. This addition will accommodate a kitchen on the first floor and a bedroom, bath and den on the second floor.

5. The property is surrounded to the north across Constitution Avenue by row dwellings, to the east by row dwellings, to the south by a brick garage followed by a 30 feet wide alley and to the west by a vacant three story apartment building.

6. The addition will extend the full width of the lot, and will extend 24.67 feet to the rear. The addition will turn an existing open court at the rear of the existing house into a closed court.

7. The Zoning Regulations require a closed court to have a minimum width of fifteen feet and a minimum area of 350 square feet. The proposed addition will have a closed court with a width of five feet and an area of 36.25 square feet. Thus the applicant seeks variances from these two provisions of the Zoning Regulations.

8. The existing dwelling consists of 627.44 square feet of floor area. The proposed addition will consist of 351.79 square feet of floor area.

9. A dwelling in the R-4 District is required to have a minimum rear yard depth of twenty feet. The subject premises has an existing rear yard depth of 55.96 feet. With the construction of the proposed addition a rear yard of 27.29 feet will remain.

10. The Municipal Planning Office by report dated November 7, 1978, recommended that the application be approved on the grounds that the applicant's property is shorter in length than the other dwellings located on the south side of Constitution Avenue, and that the construction of the proposed two story addition will not block light and air of adjacent structures. The Board so finds.

11. There was no report from Advisory Neighborhood Commission 6A on this application.

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

CONCLUSIONS OF LAW AND OPINION:

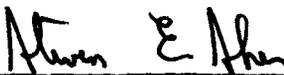
Based upon the above Findings of Fact and the evidence of the Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board is of the opinion that the applicant has met the burden of proof required in that the applicant's property is narrower and shorter than most others in the area.

The Board concludes that the present nonconforming status also creates such a practical difficulty. The granting of this application will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 5-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh Walter B. Lewis and Leonard L. McCants to grant).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

11 JAN 1979

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.