

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12812, of Rodney Burton, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the percentage of lot occupancy requirements (Sub-section 3303.1) to permit the construction of an accessory building in the R-4 District at the premises 1207 Walter Street, S. E., (Square 1015, Lot 244).

HEARING DATE: November 22, 1978

DECISION DATE: December 6, 1978

FINDINGS OF FACT:

1. The subject property is located on the south-side of Walter Street between 12th and 13th Streets, S. E., known as 1207 Walter Street.
2. The subject property is rectangular in shape and consists of 1405.34 square feet of land area.
3. The subject site is developed with a two story red brick row dwelling. The rear yard of the property is partially enclosed by a six foot high stockade type fence. The remaining portion of the rear yard fronts on an alley to the south and is vacant and weed covered.
4. Abutting the property to the east and west are row-houses. Across the alley to the south are rowhouses which front on "C" Street, S. E. Across Walter Street to the north there are also rowhouses. All these houses and the lots on which they are located are similar to the subject property.
5. The applicant proposes to build a one story brick and frame building roughly the size of a one car garage in the rear yard of the site, adjacent to the alley. The building will be used for storage, a workshop and office for the owner-occupant of the house.
6. The Zoning Regulations allow a maximum of sixty percent lot occupancy in the R-4 District, or an area of 843.20 square feet for this lot.

7. The existing lot occupancy of the site totals 744.83 square feet. The proposed accessory building will occupy 319 square feet, thus bringing the lot occupancy over that allowed by 220 square feet or 26.14 per cent.

8. The proposed structure will be twenty-two feet by 14.10 feet by fifteen feet high. It will be 20.75 feet from the existing house.

9. The applicant testified that he suffered a hardship arising from the property itself due to the small size of the house. The house has no basement or attic which could be expanded for living space.

10. There is no exceptional extraordinary or unique condition associated with this property to distinguish it from the vast majority of surrounding properties.

11. The Municipal Planning Office by report dated November 17, 1978 recommended that the application be approved. The MPO was of the opinion that the proposed structure would have limited impact on the surrounding properties.

12. The Capitol Hill Restoration Society and Advisory Neighborhood Commission 6-B took no position on the case.

CONCLUSIONS OF LAW AND OPINION:

The requested variance is an area variance granting of which requires the showing of a practical difficulty that derives from the property itself. The applicant has failed to establish practical difficulty within the meaning of the Zoning Regulations. The Board is of the opinion that although the house is without an attic or basement, this does not constitute a practical difficulty arising out of the property itself. The Board further concludes that the applicant is required to demonstrate that there is some extraordinary, exceptional or unique circumstances in the property, and that no such condition exists. The Board concludes that the granting of this application could adversely impact upon the surrounding neighborhood and the community as a whole. Accordingly it is ORDERED that the application be DENIED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, Chloethiel
Woodward Smith, William F. McIntosh to deny,
Leonard L. McCants not voting, not having heard
the case).

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

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

FINAL DATE OF ORDER: 30 JAN 1979