

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12824, of Elaine Wilmarth, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against enlarging a non-conforming structure devoted to a conforming use (Paragraph 7107.21) and from the court requirements (Sub-section 3306.1 and Paragraph 7107.22) to permit an addition to a non-conforming dwelling in an R-4 District at the premises 605 Constitution Avenue, N.E. (Square 867, Lot 119).

HEARING DATE: December 13, 1978

DECISION DATE: December 13, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Constitution Avenue, in the R-4 District, known as 605 Constitution Avenue, N.E.

2. The subject property is improved with a one story structure approximately twelve feet wide and seventy-four feet deep on a lot measuring approximately fifteen feet in width and ninety feet in length. The structure presently exceeds the permitted sixty per cent lot occupancy.

3. The structure has a unified facade with 607 Constitution Avenue the adjoining structure to the west. The two dwellings are located on separate lots. There is a court at the rear of the two buildings which measures approximately five feet so that a 2 1/2 foot width is located on each lot.

4. The applicant proposes to construct a second story addition to the structure to provide an additional bed room, bath room and open roof deck. This addition to the structure will be sufficiently recessed from the front wall so that the appearance of its height at the front facade will not be altered.

5. The addition will be located directly over the side walls of the existing building. The width of the court remains two and one half feet. The Zoning Regulations require a minimum of six feet. A variance of three and one half feet is needed.

6. By report dated December 8, 1978, the Municipal Planning Office recommended that the application be approved. The Municipal Planning Office reported that the proposed addition will not increase the lot occupancy or width of the court and the additional space will improve the liveability of the structure and will not adversely affect the character of the area. The Board so finds.

7. Advisory Neighborhood Commission 6A, was notified of the application, but did not submit a report.

8. There was no opposition to the case.

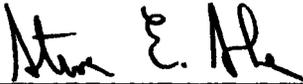
CONCLUSIONS OF LAW:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes the narrowness of the lot, and the location of the building on the lot creating the existing court do constitute a practical difficulty from which relief should be granted. The Board concludes that the proposed addition will not affect light, and air circulation of the adjoining building. The Board further concludes that the application can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application be GRANTED.

VOTE: 3-0 (Charles R. Norris, Ruby B. McZier and William F. McIntosh to GRANT; Chloethiel Woodard Smith and Leonard L. McCants not present, not voting).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 12 FEB 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.