

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12837, of John Greenwall, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the height requirements (Paragraph 7107.21) to permit an addition to an attic of a dwelling of four stories, which is a non-conforming structure, in an R-3 District at the premises 2527 Waterside Drive, N.W. (Square 2500, Lot 73).

HEARING DATE: December 20, 1978

DECISION DATE: December 20, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Waterside Drive approximately two blocks southeast of its intersection with Massachusetts Avenue in the R-3 zone District, known as 2527 Waterside Drive, N.W.
2. The subject property is presently improved with a four story red brick row dwelling built in 1942.
3. The subject lot consists of approximately 2,463 square feet of land area, and is rectangular in shape. The property slopes steeply down at the front of the structure. The structure at the rear thus presently appears as only two stories.
4. The applicant proposes to make an addition to the existing attic. This addition will increase the existing roof peak elevation by approximately two feet.
5. The subject property is surrounded to the north by a fifteen foot wide alley abutting the rear yards of an apartment condominium and the Embassy of India Chancery Annex, to the east by a semi-detached dwelling, followed by the Embassy of Japan, to the south by Rock Creek Park, and to the west by a row dwelling. All of the surrounding property is zoned R-3.
6. The subject property complies with all of the requirements of the R-3 zone with respect to lot area, lot width, lot occupancy and rear yard. The subject property, built in 1942, is four stories in height and is thus a non-conforming structure.

7. The proposed addition to the structure will not increase the degree of non-conformity.

8. The proposed renovation of the existing attic will include two dormer windows on the front facade and floor to ceiling paneled windows on the rear facade.

9. Advisory Neighborhood Commission 1D, by letter dated December 12, 1978 and oral testimony at the public hearing, supported the requested variance on the grounds that the needed variance was minimal, and would not be objectionable to surrounding property. The Board so finds.

10. The Municipal Planning Office by report dated December 13, 1978, recommended approval of the application on the grounds that given the existence of the premises fourth story prior to the adoption of the Zoning Regulations, the minimal deviation from the existing height of the structure will not block light, and air circulation of the adjoining properties. The MPO also reported that the applicant's proposed roof line and front eave line will be at the same elevation as the premises adjoining to the east. The Board so finds.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the above 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 concludes that the steep slope of the lot creates such a difficulty, that the applicant has made the required showing, and that there will be no obstruction of air, light and ventilation because of the existing yards on adjoining property and the rear yard which is eighty six feet deep.

The Board further concludes that the present non-conforming status of the building adds to the 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 Maps. Accordingly, it is hereby ORDERED that this application is GRANTED.

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

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

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

FINAL DATE OF ORDER: 16 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.