

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12843 of Abraham Hazzard, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard (Sub-section 3304.1 and Paragraph 7107.22) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) to permit a rear addition to a row dwelling which is a non-conforming structure in an R-3 District at the premises 1432 T Street, S.E., (Square 5605, Lot 127).

HEARING DATE: March 14, 1979
DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. This application was on the preliminary calendar of the Public Hearing of March 14, 1979 since the affidavit of posting that was filed reflected that the property had been posted for seven days instead of the ten day period required under section 3333 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment. The applicant testified that this was an error on his part in that the property had, in fact been posted over ten days. The Board accepted the explanation and proceeded to hear the case.

2. The subject property is located on the north side of T Street between 14th Street and Minnesota Avenue and is known as 1432 T Street, S.E. It is in an R-3 District.

3. The subject site has an area of 1440 square feet. It is improved with a two story brick row house. There is a two story frame rear addition with windows on the north side of the house. The ground floor is unenclosed in the rear and serves as a patio. The rear addition is 16.7 feet in width and 8.7 feet in length. The lot is rectangular in shape.

4. To the north of the subject property is a fifteen foot wide alley followed by the rear yard of a semi-detached dwelling and row dwellings in the R-3 District. To the east and west abutting the subject property are row dwellings of similar dimensions to the subject premises in the R-3 District. To the south across T Street there is the rear yard of a single family dwelling in the R-3 District.

5. The neighboring row dwellings to the east and west of the subject property have identical rear additions all of which extend an equal distance of 8.7 feet into their respective rear yards.

6. The applicant proposes to add a further addition to the existing addition on the subject property that will serve as a garage. The garage will run from lot line to lot line eighteen feet, and will be 13.3 feet long. The new addition will tack on to the present addition resulting in one ground floor addition that measures eighteen feet wide and twenty two feet in length. The resulting rear yard will be 11.3 feet.

7. The applicant owns five cars and a motorcycle. Two model A cars and a motorcycle will be stored in the proposed garage. The two family cars will be parked on the street. The applicant's hobby is working on and owning model cars.

8. At the present time the applicant rents space for his two model A cars and motorcycle.

9. The rear yard now contains a chassis of a model A car and a trailer. The yard is littered with tires and other junk.

10. The Office of Planning and Development by report dated March 6, 1979 recommended approval of the application. The Board does not agree. The applicant has presented no basis for the granting of a variance.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission 6C made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty stemming from the property itself. The subject lot is rectangular in shape. It is suitable for the purpose for which it is zoned. Like the neighboring lots it has a first addition of 8.7 feet in length leaving a rear yard in excess of the twenty feet required under the Zoning Regulations. The proposed addition decreases the footage of the rear yard and increases its lot occupancy, requiring the requested variances. The proposed addition adds nothing to maintaining a family life environment that is envisioned for an R-3 District under the Zoning Regulations. The proposed addition would create a commercial atmosphere in the midst of residential living. The practical difficulty does not stem from the property itself. The difficulty is personal. The applicant need seek location for his hobby other than his residence in a residential neighborhood.

The Board further concludes that the variances cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is DENIED.

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

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

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

FINAL DATE OF ORDER: 3 JUL 1979