

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 12889, of Elizabeth Samples, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the number of stories and height requirements (Sub-section 7601.3) to allow construction of an accessory building which will be used as a garage and hobby room in an R-4 District at the premises 719 - 10th Street, N. E., (Square 959, Lot 805).

HEARING DATE: March 14, 1979

DECISION DATE: May 2, 1979

FINDINGS OF FACT:

1. The subject property is located in the R-4 District on the east side of 10th Street between "G" and "H" Streets, N. W.
2. The lot is twenty-six feet by approximately 100 feet deep, and has an area of 2,622.75 square feet.
3. The subject property is presently improved with a two story row dwelling, which has a rear yard of thirty-eight feet.
4. The applicant proposes to locate in that rear yard a two story accessory building. The first floor would contain a two car garage, while the second floor would serve as a hobby room for the owner, who makes miniature furniture as a hobby.
5. The proposed accessory building would be located eighteen feet from the existing dwelling.
6. The Zoning Regulations limit the height of an accessory building to fifteen feet and one story. The applicant proposes a building twenty feet in height having two stories, thus requiring variances of five feet and one story from the height and story limitations, respectively.
7. The accessory building together with the dwelling occupy only 1359.57 square feet, less than the maximum allowable building area of 1597.65 square feet.
8. The applicant presented no evidence in the record

to suggest that the property is exceptionally narrow or shallow or is affected by some exceptional topographic condition or other extraordinary or exceptional condition.

9. The agent for the applicant testified that the hobby room could be provided without requiring a variance, either as a mezzanine or elsewhere on the lot.

10. The Office of Planning and Development, by memorandum dated March 7, 1979 and by testimony presented at the hearing, recommended that the application be denied, on the grounds that the lot is neither exceptionally narrow or doesn't have any exceptional topographic conditions, and that the proposed building would be out of character with neighboring properties. The Board so finds.

11. There was no report from Advisory Neighborhood Commission 6-A.

12. There were no persons appearing either in support of or opposition to the application.

13. At the hearing, the Board requested the applicant to meet with the Zoning Administrator and the Office of Planning and Development to see if the hobby room could be located in a manner which would not require a variance. The applicant agreed to do so.

14. At the meeting at which the case was decided, the Board was advised by the staff of the Zoning Secretariat that the applicant intended to withdraw the application because a solution not requiring a variance had been found. There was no written evidence in the record before the Board at its meeting from the applicant verifying the information that had been told to the staff.

CONCLUSIONS OF LAW AND OPINIONS

Based on the findings of fact and the record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property. The Board concludes that there is nothing in the record to suggest that the property is unique and that it thus qualifies for a variance. The Board concludes that there is no practical difficulty for the applicant from the strict application of the Regulations, since the hobby room could be located and constructed without requiring any variance.

The Board concludes that the applicant has failed to carry the burden of proof necessary to sustain the granting of the variance. It is therefore ordered that the application is DENIED.

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

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."