

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12925 of Patrick and Rosalinda Raheer, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a side addition to a single family dwelling in an R-1-B District at the premises 6411 33rd Street, N.W., (Square 2015, Lot 803).

HEARING DATE: May 16, 1979

DECISION DATE: May 16, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 33rd Street in an R-1-B District and is known as 6411 33rd Street, N.W.

2. The subject square was subdivided prior to the adoption of street plans for the area and prior to 1958. The subdivision resulted in an irregularly shaped lot which has an area of 5153 square feet. The lot is improved with a two story detached dwelling.

3. The dwelling located on the subject property was constructed as a farm house around the turn of the century. The south side of the house was originally and is still the front of the farm house.

4. When the streets for the area were laid out, the pattern was such that a side of the house faces 33rd Street, N.W., not the front.

5. The second floor of the structure has four bedrooms and one bathroom. The bedrooms are approximately ten feet by ten feet. Because the bedrooms are so small, all of the main living activities of the occupants take place in the three rooms on the first floor of the building.

6. The north side yard of the subject property serves as a driveway to four garages, including that of the applicant's. The garages are non-conforming uses located on adjoining properties.

7. The applicant proposes to construct a family room in the existing driveway on the north side of the dwelling. The family room would provide additional living and activity space for the occupants.

8. The R-1-B District requires a side yard on each side of eight feet. The applicant is proposing to provide three feet on the north side adjacent to the addition and therefore needs a variance of five feet.

9. The new addition will be at the ground floor level of the existing structure and will be set back from the front of the house to avoid reduction of light to the neighboring property to the north.

10. The slanting roof and exterior walls of the proposed addition will be compatible with neighboring properties.

11. An off-street parking space will be provided at the front of the existing driveway, the rear portion of which is to be eliminated.

12. The driveway on the abutting property will not be affected and the trees and bushes along the side of the house will be retained.

13. The attic of the building cannot be expanded without removing the existing roof and performing major modifications to the attic flooring. The attic flooring was not constructed for living area use.

14. The height of the basement floor to the rafters is under six feet.

15. The existing rear yard is less than the twenty-five feet now required by the Zoning Regulations. If the addition is placed in the irregularly shaped rear yard private lot space would be eliminated and such an addition would adversely affect neighboring properties.

16. The addition cannot be placed on the south side of the house because it would cut off the entrance to the house. To do so would require extensive structural modifications to the existing building. It would also adversely affect the abutting property owners who use the adjoining yard for living and recreational purposes. Such an addition would also reduce the sunlight to the applicants' own yards.

17. The applicant testified that he had discussed various proposals for an addition with the abutting property owners. They had no objections to an addition but were only concerned that the addition not restrict their light or the use of their property. The applicant further testified that the neighbors felt that the addition as proposed would provide additional privacy to their property and would have no effect on living conditions since it would abut an existing driveway.

18. A neighborhood resident testified that other residents were in support of the application and that if the variance is granted, the new structure would enhance the subject property as well as the neighborhood.

19. A petition in support of the application was signed by seven property owners within 200 feet of the subject property. There were two letters of support, one from the previous owners of the subject property and the other from the rear abutting property owner.

20. Advisory Neighborhood Commission 3G made no recommendation on this application.

21. There was no opposition.

CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the applicant is requesting an area variance, the granting of which requires the showing of a practical difficulty upon the owner inherent in the property.

The Board concludes that the size of the improvement is quite small and inadequate. The Board concludes that the shape of the lot and the nature and location of the existing building limit feasible alternatives for the applicant's addition to the north side yard. The Board thus concludes there is a practical difficulty inherent in the property.

The Board notes that the applicant made a serious effort at satisfying the abutting property owners that their light and air and use of their property would not be adversely affected. The Board also notes that the residents were in support of the application.

In view of this, the Board concludes that such relief can be granted since it will not cause any substantial detriment to the public good nor substantially impair the intent, purpose and integrity of the Zoning Regulation's and map.

Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 3-0 (Chloethiel Woodard Smith, Charles R. Norris, John G. Parsons to grant; Leonard L. McCants and William F. McIntosh 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: 23 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."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AND APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.