

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12975, of Arthur Trivers, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) from the rear yard requirements (Sub-section 5303.1 and 7107.2) and from the court width requirements (Sub-section 5305.1) for a proposed second story rear addition to a flat to be used as a flat and office in a C-2-A District at the premises 726 - 7th Street, S.E. (Square 904, Lot 816).

HEARING DATE: June 20, 1979  
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject property is located on the east side of 7th Street, S.E. and is known as 726 - 7th Street, S.E. It is in a C-2-A District.
2. The present use of the subject property is as a single family residence. The last certificate of occupancy, No. B110687, pending since September 26, 1978 authorized the use of the first and second floors as a flat. The flat is being remodeled and is now vacant.
3. Attached to the rear of the subject property is a garage. The applicant proposes to construct a second story addition over the garage and use it as an office. The applicant will raise the roof of the garage several feet and create the office space.
4. The garage occupies the entire rear yard. To the rear of the garage is a thirty foot wide public alley. There is an open court six feet in width to the south of the dwelling. Since the garage at the rear occupies the full width of the lot, the court is not considered a side yard.

5. The potential occupants of the flat will have no rear yard for their use, but will have the six foot court between the lot line and the flat available as open space.

6. In the subject district, the subject improvements could be converted to an office building as a matter of right.

7. The subject structure is non-conforming since it presently exceeds the lot occupancy requirements. It has no rear yard. The court width is 6.08 feet whereas the Zoning Regulations require thirty feet.

8. The subject addition will not increase the lot occupancy, nor will it decrease the existing rear yard, nor will it decrease the width of the court. The addition does not increase the degree of non-conformity of the structure at all.

9. Advisory Neighborhood Commission 6B made no recommendation on the application.

10. There was no opposition to 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 Board concludes that due to the existing non-conforming nature of the structure that the practical difficulty is inherent in the property. The improvements occupy almost the entire lot. The addition will not add to the lot occupancy or increase the degree of non-conformity of the structure.

The Board further concludes, that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-2 (Charles R. Norris, Chloethiel Woodard Smith to GRANT; Leonard L. McCants, having read the record, to GRANT; Walter B. Lewis and William F. McIntosh OPPOSED).

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

ATTESTED BY:



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 10 SEP 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 AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.