

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12979, of Anthony E. Gallo, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a non-conforming dwelling which presently exceeds the lot occupancy requirements (Paragraph 7107.21) for a proposed rear addition in an R-4 District at the premises 1539 A Street, S.E., (Square 1072, Lot 808).

HEARING DATE: June 20, 1979
DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject property is located on the southern side of A Street, S.E., between 16th and 17th Streets. The subject premises is known as 1539 A Street, S.E., and is in an R-4 District.
2. The subject lot is rectangular in shape, and has an area of 645 square feet. The lot is improved with a non-conforming two story frame house which is in an extremely dilapidated condition.
3. Construction of a dwelling on abutting property at 1537 A Street, S.E. in 1885, resulted in an irregular lot line on the western side of the subject property.
4. The applicant proposes to replace the existing rear one story frame construction with a new two story masonry construction. To do so, a variance is required from the prohibition against allowing an addition to a non-conforming dwelling which presently exceeds the lot occupancy requirements in an R-4 District. The maximum lot occupancy permitted is 387 square feet. The present dwelling occupies 508.58 square feet.
5. There is a small kitchen and a bathroom on the first floor. A kitchen, bathroom and bedroom will be added to the second floor.

6. The addition will not increase the existing lot occupancy.

7. The restored dwelling will be occupied by the applicant.

8. There was no opposition. An abutting property owner testified that while the proposed addition will be of tremendous improvement to the existing structure, no part of the construction must occupy any of her property.

9. Advisory Neighborhood Commission 6B, did not report on the application. The Planning and Zoning Committee of the ANC by letter of June 18, 1979 reported its unanimous vote to support the application.

CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the applicant seeks an area variance, the granting of which requires the showing of a practical difficulty existing in the property itself.

The Board concludes that the practical difficulty lies in the extremely small size of the lot, the uneven western lot line of the subject property and the size of the existing improvements on the property.

The Board also concludes that the proposed addition will indeed be an improvement to the existing structure. The Board notes that the addition will not increase the present lot occupancy of the building.

The Board concludes that such relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations and Map. Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith to GRANT, William F. McIntosh to GRANT by PROXY, Leonard L. McCants not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 5 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.