GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13004 of Janice W. Frey, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1) and the rear yard requirements (Sub-section 3304.1) for a proposed addition to a single family dwelling in an R-1-B District at the premises 3234 R Street, N.W., (Square 1280, Lot 99).

HEARING DATE: August 15, 1979
DECISION DATE: September 5, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the south side of R Street between Wisconsin Avenue and 32nd Street, N.W.

2. The subject property is irregularly shaped, having only approximately twenty-eight feet of frontage on R Street, and a depth of approximately 200 feet. The rear portion of the lot is approximately ninety feet wide.

3. The subject property is presently improved with two separate structures, both located in the rear southeast corner of the lot. The applicant currently uses both structures, which are separated by approximately four feet, as one single family dwelling.

4. The Board had previously approved the same specific variances requested in this application by order dated September 10, 1975 in Application No. 11951. The applicant in Case No. 11951 did not apply for a building permit within six months of that date because of economic and other market conditions. The approval thus expired, and the applicant in this case therefore seeks variance relief again form the Board.

5. The applicant proposes to cover and enclose the area between the two existing buildings with a glass roof and walls, to connect the two buildings. The area enclosed would serve as a connection and living room. One building now contains a kitchen, bathroom and a living-bedroom. The other building contains additional bedrooms.

6. The existing buildings are presently non-conforming as to the side and rear yard requirements. The existing side yard at its narrowest point is only one foot wide. The existing rear yard averages only 15.2 feet. Variances of seven feet and 9.8 feet are thus requested, respectively.

7. The proposed enclosure will be located entirely between the two buildings. The area will not in any way extend closer to the lot lines than the present buildings. There will thus be no reduction in the existing yards.

8. All zoning dimensions of the property are far in excess of the minimum requirements. Only the peculiar location, at the very rear of the lot, and the design of the existing structures create noncompliance with the Zoning Regulations.

9. The only practicable way to connect the buildings is to extend the walls at the eastern side of the buildings. To set back the connecting exterior wall from the eastern side yard would not be practical, since the wall would intersect two doorways of the existing buildings thereby requiring substantial structural alterations.

10. The addition will not be visible from the north, west or south. The addition will not be visible from the main structure on the property abutting this site to the east, since such structure is much farther to the north than the proposed addition. The height of the addition will not be above that of existing structures.

11. Advisory Neighborhood Commission - 3A did not submit a written report on the application.

12. The owner of the abutting property to the east submitted a letter for the record in opposition to the application. The neighbors objected to the construction on the grounds that further building on the subject property would be a further invasion of their privacy, would add additional unwarranted noise and disturbance in close proximity to their property and would add to congestion and pollution in Georgetown.

13. As to the neighbor's concerns, the Board finds that the proposed addition is located more than forty feet away from the existing neighbor's house, and is adjacent to an area used by the neighbors as a dog run. The Board further finds that because of an existing wood fence which divide the two properties and a significant difference in elevation between the two lots at the rear, the addition will not have any adverse effects on the adjoining property.

14. A representative of the Citizens Association of Georgetown appeared and testified at the hearing. The Association had taken an official position in opposition to the application. However, the representative testified that if the Association had been aware of the limited nature of the application, to enclose an area to connect the two buildings, the Association might not have opposed the application.

CONCLUSIONS OF LAW AND OPINION

The Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional situation or condition of the property which creates a practical difficulty for the owner. The Board concludes that the location of the existing improvements on the lot constitutes an exceptional situation, and the inability of the applicant to connect the two existing buildings creates a practical difficulty. The Board notes that without the addition, there would be no interior connection between the two buildings which are actually used as one single family dwelling. The Board further notes that the addition will not extend beyond the side or rear of the existing buildings, and will not decrease the width of the existing yards. The Board concludes that the variances if granted will not adversely impact upon any adjoining property. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application be GRANTED.

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

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

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

FINAL DATE OF ORDER: 9 OCT 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 OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.