

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13049 of John and Margaret R. Stewart, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) to construct an addition to a single family dwelling which is a non-conforming structure in an R-4 District at the premises 1129 C Street, N.E., (Square 987, Lot 802).

HEARING DATE: September 19, 1979  
DECISION DATE: September 19, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of C Street between 11th and 12th Streets, N.E. and is known as 1129 C Street, N.E. It is in an R-4 District.
2. The subject site is fifteen feet wide and 100 feet in depth. It is a non-conforming site in both its lot width and lot area dimensions. The existing open court is also non-conforming, in that it is five feet wide instead of meeting the six foot width required by the Zoning Regulations.
3. The subject site is improved with a two story frame row dwelling that was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. There is also a one story rear addition. The applicant proposes to construct a second story rear addition on top of the existing first floor addition. The proposed addition will be the same width and depth as the existing addition. The applicant seeks a variance of one foot from the open court requirements.
4. There is a bathroom presently located in the existing rear addition. The applicant proposes to locate the bathroom on the proposed second floor addition where it will be next to the two bedrooms.
5. There was no opposition to the application.
6. Advisory Neighborhood Commission 6A made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty upon the owner of the property that stems from the property itself. The applicant is building flush on top of an existing first floor rear addition that existed before the effective date of the current Zoning Regulations. He is building on a wall of the existing addition that is non-conforming. The width of the lot dictates this form of construction. The practical difficulty is inherent in the property. The variance is minimal. 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: 3-0 (Walter B. Lewis, Charles R. Norris and William F. McIntosh to grant, Chloethiel Woodard Smith and Leonard L. McCants not present, not voting).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 13 NOV 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.