

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13098 of Mr. & Mrs. Donnell A. Price, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a non-conforming structure that will cause the percentage of lot occupancy to exceed maximum requirements (Paragraph 7107.23), lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.22) and side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for a proposed rear addition to a single family dwelling which is a non-conforming structure in an R-2 District at the premises 6502 North Capitol Street, N.W., (Square S-3367, Lot 69).

HEARING DATE: November 28, 1979

DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of North Capitol Street near its intersection with Underwood Place, N.W., at premises known as 6502 North Capitol Street, N.W.

2. The subject site is sixteen feet wide, approximately 1,536 square feet in area and is presently improved with a two story and basement brick structure, which has no side yards.

3. The applicant proposes a two story rear addition. This addition would serve to enclose an existing patio on the first floor. This room would then serve as a breakfast room. The second story addition would enlarge an existing bathroom as well as provide a den.

4. Pursuant to Sub-section 7107.22 of the Zoning Regulations, an eight foot side yard is required. The subject structure was built as a community house with single family dwellings attached on both sides. No side yard can be provided. Thus a variance of eight feet is required.

5. The site is presently non-conforming as to lot area and lot width. The applicant proposes no increase in the degree of non-conformity of the lot area or lot width.

6. Sub-section 3303.1 of the Zoning Regulations allows a maximum of forty per cent lot occupancy in the R-2 zone. The maximum allowable building area for the site is therefore 1614.40 square

feet. The existing structure occupies 541.28 square feet. The applicant proposes to occupy 170.72 square feet with the proposed addition for a total building area of 712 square feet. Thus a variance of 97.60 square feet or 15.54 percent is required.

7. The applicant testified that the first floor addition would have two supporting sidewalls, and be enclosed in glass to allow for light to the two adjacent structures.

8. The present rear yard is forty seven feet, two inches. With the proposed addition of ten feet, eight inches, the applicant would still provide a rear yard of thirty six feet, six inches, well in excess of the twenty foot rear yard required by the Zoning Regulations.

9. The addition will not be visible from the street.

10. There was no report from Advisory Neighborhood Commission 4B on this application.

11. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which create a practical difficulty from the area. The Board concludes that the small size, narrow width, and nature of the existing structure which occupies the full width of the lot create such a practical difficulty. The Board notes that the increase in lot occupancy over the normal maximum is minimal. The applicant will still provide the required rear yard. 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 as embodied in the Zoning Regulations and Map. It is therefore ORDERED that this application is hereby GRANTED.

VOTE: 3-1 (William F. McIntosh, Leonard L. McCants and Connie Fortune to grant; Walter B. Lewis opposed; Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 MAR 1980

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.