

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13143, of Charles Hammond, et al., pursuant to Paragraph 8207.11 of the Zoning Regulations for variances from the side yard requirements (Sub-section 3305.4 and Paragraph 7107.22) and from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed addition to a single family dwelling which is a non-conforming structure and does not have a common division wall in an R-4 District at the premises 111 - 10th Street, S.E. (Square 943, Lot 46).

HEARING DATE: January 16, 1980
DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of 10th Street in an R-4 zone district at premises known as 111 - 10th Street, S.E.
2. The site is presently improved with a two story and basement brick structure. This structure serves as a single family detached dwelling.
3. The applicant proposes a one story plus basement addition to the north side of the structure.
4. The proposed addition will enlarge the basement and kitchen, and also provide improved access to the basement. The only current access is through a trap door in the kitchen.
5. The subject lot is irregular in shape, having a frontage of twenty-four feet at the front of the lot and fifty-one feet at the rear.
6. The area is developed with single family dwellings, which are situated at the front of the lots. Due to the narrow width at the front and the configuration of the site, the existing subject structure is recessed to the rear of the site, set back approximately seventy-five feet from the front of the lot. No rear yard is provided. Thus it is non-conforming as to the rear yard requirements.

7. The lot is approximately 101 feet in length. The lot width, when averaged, is thirty-five feet. The applicant therefore complies with the lot area and width requirements of the Zoning Regulations.

8. The applicant provides an existing open court of 4.80 feet on the north side of the building. Sub-section 3306.1 requires a minimum open court of six feet. Thus, the existing structure is non-conforming as to open court requirements. The applicant proposes to fill in this court at the first floor level with the proposed addition. However, because the existing structure is two stories, there will still be a 4.8 foot wide court at the second story level over the addition. A variance is thus required.

9 Sub-section 3305.4 of the Zoning Regulations requires that when a building is erected which shows no common division wall with another building, a minimum side yard of eight feet must be provided on each freestanding side. Because the adjoining buildings are located at the front of the lot, there is no building which the subject building could adjoin. If no addition were permitted on the north side of the building, the applicant would be unable to add the addition and give proper access to the basement.

10. The applicant testified that in addition to the adjoining structure being at the front of the lot, there also exists a brick wall approximately seven feet in height which separates the properties.

11. The adjoining property owners, Albert A. and Joan L.B. Laflan, by letter dated January 15, 1980, did not object to the applicant's proposed addition provided the addition be limited to one story as shown in the plans submitted as Exhibit No. 5, and that a minimum of three feet be maintained for the entire length of the outside wall of the proposed structure. The Board finds that the requests of the adjoining property owners are not unreasonable, and that the applicant shall meet the requests in order to allow proper air, light and ventilation to the adjoining property. The Board notes however, that the three foot access is not on the subject property, but on the adjoining property to the north.

12. Advisory Neighborhood Commission - 6B, by letter dated January 16, 1980, recommended approval of the application on the grounds that the applicants meet the standards of Paragraph 8207.11. The ANC believed that the location of the house at the rear of the property creates a practical difficulty upon the owner, stemming from the property itself. The Board agrees.

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

CONCLUSIONS OF LAW AND OPINION:

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 a showing of exceptional difficulty upon the owner of the property stemming from the condition of the property itself.

The Board is of the opinion that given the irregular shape of the lot, and the location of the existing structure, such a difficulty exists. The Board further concludes that the requested variances 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 hereby ORDERED that this application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Connie Fortune, Leonard L. McCants to GRANT; John G. Parsons to GRANT by PROXY; Charles R. Norris not present, not voting).

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

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

14 APR 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.