

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13157, of Georgetown Childrens Committee, pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) and under Paragraph 3101.41 to allow an addition to a day care center in constructing an exterior steel stair addition with screened railings and roof in an R-3 District at the premises 3224 N Street, N.W. (Square 1218, Lot 833).

HEARING DATE: February 13, 1980

DECISION DATE: February 13, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of N Street near its intersection with Wisconsin Avenue in an R-3 zone district at premises known as 3224 N Street, N.W.
2. The site is presently improved with a three story and basement brick and frame structure used as a day care center under certificate of occupancy No. B-43041, dated May 5, 1964. The building is over a century old.
3. The facility is a United Way supported Day Care Center serving children of low income families. The center uses all floors of the facility.
4. The only means of ingress and egress to the building's two top floors is through a single wooden interior stairway.
5. The applicant proposes to construct an exterior steel stairway to be used as an external fire escape.
6. The applicant meets the requirements of the R-3 zone with respect to lot area, lot width, percentage of lot occupancy, and rear yard.
7. Pursuant to Sub-section 3305.1 of the Zoning Regulations, no side yard is required in an R-3 District. If a yard is provided, it must be a minimum of eight feet in width. The building presently has a conforming side yard of ten feet. With the construction of the proposed stairway, the applicant will provide a side yard of only 3.25 feet. Thus a variance of 4.75 feet or fifty-nine percent is required.

8. Although the applicant provides a large rear yard, the building is so situated on the lot, that in order to provide a central point of egress and ingress, a side stairway is required.

9. The applicant complies with the requirements of Paragraph 3101.41 of the Zoning Regulations.

10. Advisory Neighborhood Commission - 3A by letter, dated February 6, 1980, offered no objections to the erection of a stairway, provided the applicant builds it as an enclosed brick stair tower for aesthetic purposes.

11. The Board finds that the applicant's proposal provides for screened railings and a roof, which would allow for more open space along the side and be more serviceable to the applicant as a fire exit. This proposal is shown on plans filed with the Board on December 10, 1979, as Exhibit No. 10. The Board further finds that there is no functional purpose to be served by enclosing the stair, and that the Board will not impose such a requirement solely on the basis of aesthetics. The Board further finds that the wall of the adjoining building to the east is a solid wall with no windows, and the fire escape would thus be visible only to those standing directly in front of the side yard.

12. The Citizens Association of Georgetown, by letter dated February 12, 1980, offered no objections to the applicant's request.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of facts and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of some exceptional situation or condition of the property which causes a practical difficulty upon the owner in developing the property in strict compliance with the Zoning Regulations. The Board is of the opinion that the physical layout of the building prohibits the applicant from providing a central safety egress tower except in the side yard. The proposed addition is in harmony with the provisions of Paragraph 3101.41. The Board further 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 Map.

Accordingly, it is hereby ORDERED that this application is GRANTED in accordance with the plans submitted as Exhibit No. 10 on December 10, 1979.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Leonard L. McCants to GRANT; 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: _____

21 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.